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WHEN CATTLE KINGDOM FELL

J. R. STAFFORD

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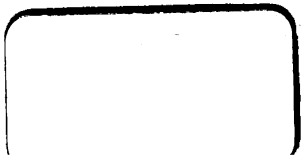

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WHEN CATTLE KINGDOM FELL

BY

J. R. STAFFORD

NEW YORK
B. W. DODGE & COMPANY
1919

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THIS BOOK IS DEDICATED
TO THE MEMORY OF MY FATHER,
THE LATE
RICHARD STAFFORD,
WHOSE LIFE-LONG INTEREST AND SUCCESS IN THE CATTLE BUSINESS, WHOSE IDEALS AND PURPOSES IN THE WORLD OF MEN, FURNISHED ME WITH THE MATERIALS FROM WHICH THE TALE IS DRAWN.

THE AUTHOR

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WHEN CATTLE KINGDOM FELL

CHAPTER I

THE last circle had been ridden, the last calf branded and turned loose, the last stray cut out and driven into the big corral at the headquarters. The round-up of the *Double K* was finished. Now, at about three o'clock of this afternoon of June 23, in the year of grace, 1883, on the dusty branding ground where a little while before they had been roping and tussling calves, forty wide-hatted, high-heeled, gauntleted and armed men lolled in their saddles waiting cowboy fashion for the boss to give his orders.

John Burns, a young fellow of somewhat powerful build and of good height, manager of the *Double K,* rode out in front of the expectant riders and ordered: " The outfit kin lay off an' wash up. You outside men, put yer beddin' in the bunk house an' you settlers kin do the same."

There was no controversy about the *Double K* riders needing a " wash up "; they had been riding

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for three weeks with the wagon and water had been scarce. But the "outside" men — riders come from other pastures to gather in their strays — apparently disliked his plan for them. A wolfish-faced, squat-figured fellow, on whose spur straps were cut the device of the *Circle Heart*, thrust out his tongue and then with an oath declared, "I spent the last night with these nesters that I'm a goin' to. But I am a goin' to stay."

At this the "nesters," that is, the settlers present, nine in number, whipped their horses across the branding ground toward the corral, and, having loosened their rifles and pistols, whirled round defiantly. The outside men, seven in number, following in the lead of the *Circle Heart* rider, snatched out their six-shooters and tightened their bridle reins. At the moment when it seemed the battle must begin, Burns rode in between. Now the appearance and demeanor of this young man were singularly commanding, having in them that which arrests the attention and holds it; that breadth of brow and depth of eye, that strength of nose and chin and jaw which characterize those gifted with the powers of command. One feature of his countenance seemed at variance with the rest, however; the mouth was not weak; still, it was not the close-shut mouth of the commander. It had the wide, full lips of a man at once passionate and generous, of a man who might go to

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the ends of the earth in his purposes, though those purposes would ever be only the purposes of his passions. Yet something in his deep eye and something of his brow hinted that those passions would be of a lofty, perhaps even of a sublime, character. He simply rode in between the opposing forces and sat waiting as if for words that might be adequate. But at the click of a lifted pistol hammer he raised his head and, smiling grimly at the leader of the outside men, said, "Gunther, none o' that." And then suddenly, as if this had been a last straw to his patience, he burst forth in invectives so fiery that they seemed to fairly sweep his hearers, "I told you all, when you came to the wagon, that Colonel March had written me to let the settlers have all the round-up privileges. I writ him that I'd do it. More, I'd see they had 'em. I have. I'm goin' to to the very yet. I run this ranch. Whoever attempts to drive these men away has first to drive me away."

Instantly a tall outside man, with a red silk handkerchief knotted loosely about his brawny neck, rode out from his fellows and then, lounging in his saddle so that he confronted Gunther, began laughing at him and saying, "Gunt, you take the cake. You do. This feller Burns is a range boss right, an' every body knows it. We shore do, an' we respecks him an' 'is orders. I wouldn't harm a hair o' his head nor would you nor nobody

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else. You better not start nothin'; he's the mortal pizen with 'is irons. You shet up er do suthin'."

Whether this was intended to goad the other on or not, Gunther apparently did not like the interference. "O' all the sneakin' cowards," the wolfish fellow growled back, "you, Joe Berdan, you air the top notch. Wuzn't we to —"

"Stop!" Berdan thundered warningly; "stop, you fool!" And into his whimsical face there leaped a look that enforced his words.

At this a young fellow rode from the ranks of the settlers. He was big and of that type seen nowadays in the pictures of delightfully smart gentlemen who make millions out of the lack in other men's wits. Evidently he had an eye to something else than the advantage of his fellow settlers, for with an insolence that astounded, he demanded of Burns, "What the devil d'ye mean tryin' to kick up a row between us and the outside men at the last minute?"

"Young man" (Burns could not have been more than twenty-three and the other was twenty-five at least); "young man, you're neither a settler nor anything else but a meddler an' a talebearer, an' I tell ye now, Hamilton, you've chipped in this way enough." Then, as if the incident was the more exasperating in retrospect, he threatened, "When Colonel March comes back an' my hands is free, I'll settle with you." And giving way to

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his wrath, yet under his orders withholding from violence, he compromised to the folly of a quarrel. At this game Hamilton soon had the better.

While the word war was at its height, a young and yellow-haired cowboy — Shorty McGill — came riding up from the river trail at a run. He was yelling like a Comanche and waving a letter. Oblivious of the quarrel, he reined his flying horse to its haunches alongside that of Burns and shouted, "Hit's a letter from the Colonel, John; an' I see a ambulance a comin' down the river." Then as he held out the missive he noted the look of wrath on the face of his boss, and, surmising the trouble, he grew very angry. Worshipping Burns as he did, he took up his quarrel without knowing or even asking what it was. "Git down," he shouted to Hamilton, "an' I'll knock ye into the middle o' next week."

Since Shorty did not weigh above a hundred and twenty at most and Hamilton must have tipped the scales at near two hundred pounds, this challenge provoked laughter. Hamilton, with his usual gift at seizing the opportunity, answered, "Oh, no, son; you air mistaken. You'd jist beat up my laigs."

Shorty fairly exploded at this; he emitted a sort of wild whoop and started to drag the taunter from his horse. Burns caught and pulled him back. Perhaps the act saved not only Shorty, but

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himself as well. For suddenly when he looked up and saw everyone laughing, he realized that his situation was ridiculous. Being possessed of manliness as well as a sense of humor, he laughed and led Shorty to his horse. He took the letter, mounted and, waving his hat to the crowd, cried with the frankness that had made him what he was among his men, " I got in a hurry on this deal, fellows. I'll go down by the house and cool myself off." Then with a generous smile to Gunther he called back to him and the other outside men, " Let it go. Let it all go. We hain't no quarrel." But he did not forgive Hamilton.

As he rode toward the house, which was a vast barn-like structure — such as men build when they wish to make a display and forget that a house can be nothing more than a house — Shorty followed him. And when Burns checked his horse at the stoop and opened the letter, Shorty reined up and, standing in his stirrups, peered over and demanded information. " Is she a comin', John? Did Miss Nellie write it? If she does come back with the Colonel, reckon ye she'll remember how we all used to play together? Whut in the name o' pizen makes ye read so slow? "

Burns studied the sheet of paper again and again. At last he replied: " The Colonel, as he generally does, don't say anything but a lot of words that mean something else. Listen: ' On or about the

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last week in the month I will probably arrive, unless I should get the nomination for the State Senate. I believe I will get it, although a great combination is against me. You may expect me or not, according as you feel about my chances for political preferment in a community of which you can have no conception. My daughter and my sister will be heart-broken. I believe this is all I can now say with certainty.' Listen to that!"

"I hear ye," Shorty answered impatiently, "an' if ye wuz as ejjicated as the Colonel ye would probly know whut 'e means. John, I hate to see ye so sorter crabbed about a man a havin' more larnin' than ye got. Ye hain't to blame nohow."

At that Burns roared with laughter; then, spying the long white top of an ambulance crawling up from the sands of the river, he dashed into the house and returning in a moment with a pair of binoculars, focused them on the approaching vehicle. As he looked he blushed and smiled. Keen-eyed Shorty, studying his face, leaped to the ground and demanded: "Gimme them telescopes. I want to see 'er, too."

It was more than a half mile down the river and, though the way was gently sloping, the sand was deep. The ambulance moved and that was all. And the two watchers talked reminiscently as it approached. Their levity was gone. "Here we are standin'," said Burns, "just as we did when

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Mart told us to watch for the Colonel and his wife. And d'ye mind how Tom told us to go out an' say, 'We are waifs that Mr. Martin picked up on the last freight trip to Dodge City and won't ye be kind enough to let us stay?' Shorty, d'ye remember it?"

"Humph! Whut d'ye spose I'm made of? D'ye reccoleck how Nell got out of the ambulance that time an' come an' kissed me an' you, jist as her ma told her to? And how the Colonel and the missus cried over us an' told us we could stay? Oh, it's a God's pity that the missus died." At the recollection Shorty blew his nose with great force and covertly put a knuckle to his eye.

"Yes, she would have been a great help to the Colonel; and for that matter to you an' me an' everyone," Burns answered gravely, for he, too, was touched at the memory of her kindness to them.

And they might have thus gone on and retold each other the whole story of their adventurous waifhood, had not the cowboys and the settlers come posting down to the house to welcome and examine the occupants of the approaching rig.

It drew up at last before the crowd and Colonel March, the owner of the *Double K*, got to the ground. He was a tall gentleman — a sort of Kentucky colonel in dress and deportment — and he stroked his goatee and smiled at everyone as

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he cried out: "God bless ye all, boys; I'm mighty glad to see ye — glad as you are to see me."

An irreverent outside man, who did not admire colonels, groaned. Instantly March stared round for the offender; on finding not one, but twenty men grinning, he stamped his foot and thundered:

"This is my welcome, is it? I, who have taken the part of peace in the plains? I, who have said there should be no war between settlers and cow men. I wish I had stayed at home and let you go the way you would have otherwise gone no doubt."

This was too much for Shorty. He venerated the Colonel with all his being. So he came forward and assuming an air of vast indifference for the crowd, declaimed: "An' ye would ha' stayed, too, wouldn't ye, Colonel, if the politics hadn't a been so rotten?"

The Colonel, aghast for a moment, choked; but even the Colonel could not mistake the genuineness of the intention. He pushed Shorty away, however, and with a rather tragical air declared: "Poor boy, you mean well enough. Yes, well enough. But —" He did not add what. Everyone laughed again.

Now by this time Burns, who had been unfastening a side curtain, drew it back. The Colonel recalled himself and going to the side of the vehicle got between it and the manager and helped to the ground a female person as tall, as dignified

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and severe as could be well imagined. "This," said the master of the ceremonies, much like a professor explaining a diagram, "this is my sister Hattie."

Sister Hattie sniffed and stared into the firmament; but the men all took off their hats and bowed as politely as though she had looked with a smile into the face of each.

Feeling that somehow Aunt Hattie was not just at her ease, Shorty spoke up: "They think well enough of ye, Missus Hattie. They hain't bad fellers. They would respeck a woman, no matter whut she done er how she looked er treated 'em. They don't know no better, ma'am. So don't ye worry 'bout bein' respeckted."

Aunt Hattie looked into Shorty's round blue eyes in a way that should have rendered them sightless. But Shorty, who thought he had saved a situation, only felt himself highly honored at her more than passing notice.

Burns, wishing to rescue the naive Shorty, stepped from behind the Colonel, and approaching Aunt Hattie, offered to conduct her to the house. On the way he was going to explain what manner of boy Shorty really was. But Aunt Hattie knew men from the view point of sixty years' spinsterhood; she had long ago made up her mind that a man's intentions would never again deceive her. Not a bit of it! A man must make even

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the most commonplace purpose clear beforehand. She had heard a great deal about Burns and knew that he was something like forty years her junior and had been brought up as a son in her brother's family; but to her that proved nothing. So she looked him in the eye and demanded: "Why should I walk to the house with you?"

Burns did not know how to explain a private matter in public, so he said nothing. Aunt Hattie felt herself ignored; to be ignored was the worst form of insult; to be insulted was a casus belli; so she declared war after the fashion of diplomats. That is, she made up her mind to levy it and make the declaration afterward.

While this was going on at one side of the ambulance a very shapely hand was working at the curtain on the other side. Mr. Ben Hamilton watched tapering fingers struggle with the buckles and straps and then he came forward. In a trice he undid the flap and swung it back. The young lady who smiled out at him was handsome enough to have started the average cowboy walking backward in abject humility at having shown himself. For though it might be possible to describe her features fairly — her clear gray eyes, her finely curved mouth, with lips like the skin of cherries, a nose straight and yet so finely chiseled that it was altogether feminine, a chin that rounded out firmly and yet delighted the eye, though no

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one might describe in definite words the glory of her hair, for sometimes it was black and sometimes it was brown, and again when the sun fell fair upon it it was a rich deep gold — no man looking upon her could have believed that any one of these or all of them made her so beautiful. It was the girl herself, her smile,— that seemed not a smile, because it was half laughter and half tears,— the womanliness that shone so clearly in her face.

Ben Hamilton, however, may not have felt the awe of the average cowboy, or if he did, being a good dissembler, he hid it. Instead of getting red in the face and tangled up in his spurs, he smiled, bowed deferentially and offered her assistance to alight. She accepted with a smile that was a real smile. But the grace of her movement and its ease left Hamilton wondering if he had really helped her. When she stood on the ground you forgot all about the laughter and the tears, for she was light and graceful and made you think of nymphs that dance away into the sunshine and disappear.

Shorty, satisfied to his fill with Aunt Hattie and eager to see Nell, dashed round the wagon and rushing up to her, held out both his hands and his heart. "Lordy, Miss Nell, I'm shore glad ye come. An' ye've growed so perty I'd be afeared o' ye, only I know ye never could go back on John

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an' me. Law, but it's good to have ye back agin. An' I love ye more'n ever."

Miss Nell at this frank declaration laughed the merriest peal the Plains had heard in many a year; she took both his hands in hers and then, looking into his face for just the fraction of a second, saw that he was the same old Shorty, that he would always be the same. Then she stooped over, for she was a full head taller, and kissed the cheek he held up to her.

At this bold outrage of feminine modesty Aunt Hattie stared with the cold grandeur of an iceberg and uttered a reproof more angular even than her own appearance. Shorty seemed on the point of taking to his heels. Then planting himself redoubtably, he began to argue the matter with Aunt Hattie. Wasn't Nell two years older than he? Hadn't she kissed him a hundred thousand times when they were growing up on the ranch? Did Aunt Hattie think his face was dirty? He averred his willingness to testify under oath as to the exact number of bars of soap he consumed each year; indeed, to his own satisfaction he quite overwhelmed her.

When the boy's speech became too ridiculous to be amusing, Ben Hamilton seized the opportunity to lead Nell round the rear of the ambulance, with a view of thence conducting her to the house, where she might escape the frank discussion of her con-

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duct. This was of course a splendid stroke; but just as the pair came round behind the vehicle they met John Burns.

Now in the years that were gone, Burns and the girl, being children together, had made mud pies and solemn contracts concerning marriage. The pies had returned to their dust, and the contracts, witnessed by a rubber button ring, locks of hair and other sacred symbols, had also returned to the infantile recesses of the hearts from which they sprang, recesses which close and may remain forever forgotten, when the girl puts on long dresses and the boy begins to shave.

Burns, being a normal fellow, dwelling always in the holy temple of the out-of-doors, meeting her now in the pride of her beauty, stood transfixed, as any other pagan would have stood on confronting the embodied yearnings of his soul. In her presence he felt himself uncouth, imbecile, superfluous. He was conscious of nothing but his own overwhelming futility. Wherefore he stood with knees half bent, with hands awkwardly out of place, with head half raised and a look that on any but a strong face would have seemed silly — the look of unconscious self-negation — the look of the strong who can really adore. He did not even greet her. Like a votary he waited silent in submission.

Now if Nell had only been the goddess he

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thought her — but she was after all a girl. Wherefore, instead of accepting his patent devotion, she laughed at him. At the laugh he started as if he had been struck with a whip; then, relaxing, stood more awkwardly than ever. Vexation showed in her gray eyes for a moment and a resolution to pass him without further notice seemed prefigured in her attitude. But relenting and then becoming strangely formal she held out her hand and said, but hardly asked, "How do you do, Mr. Burns?"

It is one of the paradoxes of life that the more human a woman becomes the more divine and unapproachable she seems. By summoning all his will Burns managed to touch her hand and to say something that gave only the impression of vocal paralysis.

Whereupon Hamilton, who was very much at his ease, cackled rudely. Instantly the young woman swept past him, past Burns, past her father, the crowd, and entered the house. Burns stared in dumb anger at Hamilton. Hamilton stared back in quiet scorn.

As the two stood thus, the outside men, headed by Berdan, came and stopped dead still, as if they expected something to happen. Gunther thrust out his wolfish face in the eagerness of his demand to Hamilton: "Why don't ye up an' done 'ith it?"

Hamilton scowled, while Berdan swore. The

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five other outside men — and they were as pretty a band of ruffians as Pyle ever painted in a picture of pirates — stood and gazed speculatively at Burns; then looking at Hamilton interrogatively, they sighed and waited.

For an instant the beleaguered man looked from one to the other as if appraising them before he would speak. Then in a voice that was tense with hate he cried: "Whatever the play is, play it. If you want to gang me, then gang away, you dirty hounds." But as if the thought of the unfairness of his situation drove away all cautiousness he turned to Hamilton, and clutching for his pistol, fairly spat the threat at him, "But you, you big scoundrel that hatched it all, I'll git you first."

The settler's answer was a short laugh and a wink and a nod to the outside men. In obedience to him they turned and followed him away. Only Gunther came back after a few steps to say to Burns: "You air jist a goin' frum day to day because we let ye. Sabe?" Then with a sinister grin he bowed jerkily and followed the others off.

For a moment John looked after them uneasily; then in obedience to the impulse that was crushing him he turned toward the house. He was going to seek Nell. He was going to tell her he loved her and, believing himself it was a fact, that he had loved her devotedly all through the years while she had been away. The resolution to invite

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battle to the death, one against seven, was nothing in comparison with this. This was sheer recklessness and he knew it; knowing it, he was panic-stricken, yet this only caused him to lurch along more swiftly on his high-heeled boots toward the door behind which lay an issue fraught with more to him than all the battles of the world.

Burns of course found Nell. She was sitting in the big front room, just as he had hoped she would be. She smiled cheerily, too, just as he had dared to hope she might smile. There was a world of pride in her voice, too, as she told him: "Nothing and no one has changed and I'm so glad." Now, even to him, it was all apparently plain sailing. Yet when he tried to say that she had changed and had grown beautiful, the speech, being after all only flattery, was dust in his honest mouth, choking his utterance. What he did say was too absurd to be set down to him. Perhaps another man or a wiser man would have given it up as a bad job or held off for a more auspicious time, but he was one of the sort who adhere.

She had not done laughing at his awkward attempt to flatter when he began trying to tell her what he had come to tell. At last he had it told, too, after his fashion — after the fashion of a true man — in a speech one moment frozen with his fears, in the next fairly burning with his passion, alternating between the two till the end,

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when all his hopes died because there was nothing more to say. As he finished she got from her chair and going over to the window where the low sun shone in, she stood looking away toward the west. She was silent for a long time, then as she turned and the glory of the fading light crowned her she seemed to him about to speak. Perhaps it was the eagerness of his anticipation, perhaps to her the whole situation was ridiculous. At any rate her expression, which for several minutes had been grave, changed suddenly to merry. She laughed and laughed, and then perceiving his sudden hurt, she grew grave again and said in a voice that soothed him: "I wouldn't have hurt you for the world, but now this is all so silly." He started toward her uncertainly, but she was gone as lightly as her laughter.

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CHAPTER II

PERHAPS with the intuitive gift of all womankind, Nell standing at the window, and gazing away into the west while she considered Burns' declaration, was a figure of unconscious prophecy, if there is such a thing. At any rate, forty miles away to the west, where the Plains lay broad and boundless as the sea, in the south room of the long, low and decaying headquarters of the *Circle Heart,* there sat at that very moment a gentleman of most singular appearance and character, who was as profoundly interested in John Burns as Burns himself could have been; as Nell could ever have been.

Warwick, recognized leader of the cattle interests of the plains at the time, was sitting in the desolate room he called his office, absorbed wholly in the examination of a sheaf of papers which lay on the flat-topped desk before him. In his chair he seemed a tremendously big man. Every feature of his face was full and strong. His eyes, wide apart, were set under brows so dark and cavernous that they gleamed out blue and cold like distant candles in a winter night. His nose was

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long and straight, but a curve somewhere about the nostrils which he was able to conceal by a trick of expression, suggested appalling cruelty. The whole lower part of his face — the jaws that were long and powerful, the chin that stood forth aggressively, the mouth that one instinctively knew was big and firm — was hidden under a carefully trimmed yellow beard, which like moss on stone softened nothing of the hardness that lay beneath. But the forehead of the man was the marvelous feature. It was broad; it was high; it was full. It was so broad, so high, so beetling that it seemed a wall. Men who saw that brow were afraid. Behind it no man might know what was going on; it was too blank, too big; it declared too openly of an intelligence that surpassed the average conception of intelligence. It fixed one with the notion that this man was the embodiment of the truth that knowledge is power and that power alone was what he wanted.

Warwick's interest in John Burns was not of short standing.

Burns, as manager of the *Double K* ranch, had permitted the settlers — Warwick called them "nesters" — to ride and work during the round-up, with the *Double K* wagon, in order to get their calves and brand them. This was treating them with fairness; nay, more, it was even encouraging them. Warwick did not want them en-

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couraged. This was his reason. Half the land in the Plains belonged to the state and could not be purchased except by actual settlers. If the settlers came and took up the land, the cattle men would be driven out of business. Again, if settlement were encouraged in the *Double K*, and that pasture filled up, the number of voters inimical to the cow men would speedily snatch the courts into their inimical hands and, as Warwick regarded courts, these would simply add robbery to ruin. Now there were but eight big ranches in the plains. All, but the *Double K*, Warwick really dominated; for since the other owners either had residence elsewhere or fully sympathized with his views on the settler question, the managers or the owners as the case happened to be, always deferred to him. He had of course gone to Burns a year ago and had pointed out good reasons why settlement was not to be tolerated. Burns had replied that the settlers had a right to come. Since that time a dozen of them had come and, what was far worse than their coming, they had been permitted to ride with the *Double K* wagon — had been allowed all of the cow man's privileges. Like any wise general, Warwick had prepared alternative measures. First, he had really selected not only Gunther to attend that round-up, as outside man, for his own brand, but each of the men from the other ranches as well; and as before noted, these were

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as pretty a band of ruffians as ever rode together. They had no orders to do any special thing; their dispositions were such that they needed no commands. Again, he had provided that even if these outside men failed to provoke a brawl, a good old-time fight with real blood shed, something else was to be done; and in pursuance of this last he had given Joe Berdan — the tall and whimsical Joe — a hundred dollars in cash, with which some settler of influence was to be won over into making trouble.

Every day he had received reports on what was passing at the round-up; but these had not satisfied him. Now he was looking over a heap of papers which showed just how many "sections" of land there were open for settlement in the Plains; just how many settlers had already come; just what their names were; the number in each family; the ages of each member thereof, together with a carefully compiled statement of each settler's property, and notations showing his former place of residence.

On a sudden, as if disgusted with his new plan, he flung the papers back and rising, walked swiftly to the northeast corner of the room, where, rapping on the door which led to another room, he called sharply and yet in a strangely sonorous voice, "Chaves! Oh, Chaves! I'm stuck. I want

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you!" Then he turned back toward his chair and as he stood beside it, one who had all the time been watching him, would have then noted that in reality he was a small man. The fact was he was one of those small men, who exemplify the fact that size and weight have nothing to do with strength. Warwick, with his yellow hair and yellow beard and tremendous brow, inscrutable eyes and elemental poise, was lion-like.

Presently the door on which he had knocked was thrown open, and there slouched into the room a great and hulking figure of a man. He was six feet or more in height and of great girth. His face was big and bloated and only his eyes, which were glowing like those of a lunatic or an enthusiast, saved his appearance from that of complete debauchery. He swung his shoulders with a certain swagger that hinted of insolence of spirit. This was Frank Chaves, manager under Warwick of the *Circle Hearts*. Coming up to the desk he flung himself down upon it, although his employer had not yet seated himself.

Warwick said nothing. Chaves waited for an instant, then fumbling in his coat pocket, brought forth a round quart bottle and, putting it to his lips, drank long and deep.

"I called you in here," Warwick's voice was deeply vibrant as if he controlled himself with an

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effort, "I called you in here to give you orders."

The drinker put the bottle back into his pocket and nodded.

"I want you to get onto a horse and go down to the *Double K* headquarters to-night and see exactly how the land lays. If this round-up ends and the outside men get away from there without — well, without some sort of demonstration, then the jig's up."

"Well, if it's up, it's up, and that's all there is to it." Chaves spoke coolly.

"That's why you must go at once or it will be up. If Berdan and the others haven't been able to get anything done, then it's up to you to do it. You understood that all along."

For an instant the figure of Chaves lifted and straightened as if in obedience to some force not his own, but speedily it sprawled as before and his voice answered dully: "You understood that I said I wouldn't go down there to make trouble against Burns. I have made up my mind I won't." And as if to fortify his resolution he again got out his bottle and drank, and, putting it back, he wiped his mouth on the back of his hand and stared stupidly into Warwick's face.

The cattle king pondered deeply, then springing to his feet he paced up and down the room, pausing at each turn to scrutinize the face of the other. As he strode back and forth more rapidly he

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rapped out: "It's a pretty mess. A pretty mess. The fate of all cattle kingdom hangs on the folly of a drunken fool. What has got into you?"

"Decency, I reckon. You'd understand anything else." And Chaves was rousing from his lethargy.

"Humph!" Warwick uttered a sort of roar and then hastened his pacing till he suggested a lion restless in his cage. Each time, too, as he passed, he threw a swift glance at the manager as caged beasts are wont to cast glances at their keepers. Like a keeper, too, who realizes the strength of his situation, Chaves returned the look with a grim smile.

At last Warwick stopped and, with an altogether different manner — a courtly manner — and with an altogether different tone — a generous tone — declared: "Well, Frank, you've been my friend and I yours, too long for us to quarrel. Yes. Yes. We'll let this drop just as it is except this far. You have a reason for not wanting to go down there. No doubt it's good. I don't want to make any big mistake. I can't afford to. What's your reason? Tell me as one man to another."

Chaves stared at him for a long time in silence. Warwick approaching, put his hand on the shoulder of the other, and his eyes softened as he spoke: "Frank, we have been cahoots in many and many

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a tight place. We've done many a thing together that maybe wasn't right. The fault was always mostly mine. But always we stood by one another. We were like brothers, comrades. We shared plans and dreams, troubles and risks and dangers. For all you were just my hired man, we have been friends. I will not misunderstand you. Come; in the name of all that's past, tell me the trouble."

The big man smiled incredulously and laughed at Warwick's stare. "Ho!" he roared; "this is the old game again; you'd fool the devil, but you can't fool me." And then with a shrug of his gigantic shoulders and an insolent light in his dark eyes he declared: "Well, if you'll have it, here it is. I take more of a fancy to John Burns than I do to you. Sabe? And when you plan to smash him, just bear in mind that this dear comrade of yours, this dear friend, this brother that has lied and stolen and intimidated and had blood shed for you and your schemes, for the munificent gift of a hundred dollars a month and your brotherly affections and affectations, is with him, with Burns, and against you at every jump. There you are. How do you like it?"

Warwick went to his chair and sat down. He gazed pensively at the floor and when at length he argued it was without the note of personal appeal—"Frank, it is just like this: I, and all the rest of the cow men, came here and fenced

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the country in good faith. We first drove the Comanches out and then, in order to keep the cattle from drifting away in the storms we put up the fences. Now that we have made it possible to live and run cattle in the country, the state comes along with this fool settlement law. You know as well as any man that settlement will ruin the pastures. If March was left alone he would soon be brought in the way the rest of us see it. But this fool Burns, with his high-minded notions of right and wrong, keeps the Colonel hanging to his benevolent ideals. You know what will come of that. The *Double K* will fill up with these nesters, and they will outvote us, and that will be the end. All that we have worked for; all that we have won on the gamble of Indian war, will be swept away, just on account of one stubborn fool, who hasn't a penny of his own, and only a few old cows that March lets him run in the pasture. You ought to see it."

"I do," Chaves laughed, "and it tickles me to think that you have run up against a man big enough to face you and make the whole posse halt. You are a bright outfit; but you haven't brains enough to know that you are up against, not Burns, but a condition. That condition is backed by the laws of Texas. But that's not the point with me. The law don't worry me for a minute. It never did only when I was trying to practice it up

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in Dodge City. That's past. What I stick for now is Burns. And not because he stands for what he does, but because — well, because I've taken a notion to him."

"The devil you have, and why?"

"As I told you at first, there's something of decency in my reason. Therefore, you couldn't understand it."

"No, not in you, I couldn't; you great sot."

Chaves brightened perceptibly; he chuckled as he spoke —"It will be a fine day for you, John, when Burns marries the Colonel's girl and fixes himself for keeps as manager of the ranch. You can't put up a howl then against his having no higher recommendation than manhood and principle. Say, you'll have to dig out then. Here's to that happy day." And again he had recourse to his bottle.

After a long and speculative scrutiny, Warwick demanded: "When did you cook this up with him?"

Chaves answered without hesitation, "I never cooked it up with him. He don't know anything about it. Do you suppose a man like him would have anything to do with me, when he knows who I train and throw in with?"

"Oh!" Warwick ejaculated. "Oh!" That was all, but the knot over his nose proclaimed his puzzlement. Evidently either the problem was

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too difficult for him or its solution had small appeal. At any rate he spoke at length as if it were forgotten. "I have made up my mind to foreclose my mortgage on the *Bar Link Bar.* Since you are unwilling to help here and since Old Gorman thinks I played shenanigan on him, when I got him to buy the March mortgage on the *Double K;* you had better go down to see that he don't make away with half the cattle and the horses while that fool sheriff is getting the writ of foreclosure in shape for service. You can start to-night if you wish, or very early in the morning."

"Yes, I see. You want me out of the road. Well, that won't do much good, either — if it did, I wouldn't go. As it is, I will." And the manager got from the desk and started for the door.

"Hold on!" Warwick called sharply. "I want you to strike Old Gorman for the March mortgage. He gave $20,000.00 for it. It calls for twenty-five. Give him to understand that I'll allow ten for it on the mortgage he made to me. That will leave him owing me six thousand. Unless he will do that let him understand that Masongale may turn up any day with the writ and that after foreclosure is started it won't be stopped for any reason."

Chaves went without acknowledging the order. Warwick heard the door slam and then buried the papers in a drawer which he locked. Having re-

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stored the key to the string about his neck, he spread his hands on the table and fell into a deep study.

At the end of an hour he went to the door and knocking again called for Chaves. Presently a greasy-looking fellow with a bit of bacon in one hand and a butcher knife in the other came to announce that the manager had just ridden off, on a long trip, evidently, for he had taken his bedding with him.

"Then get back to your work," Warwick growled impatiently. Now as soon as the cook dashed away in the direction of the kitchen, the master entered by the door from which Chaves had appeared. The room was a small and shabby sort of den, furnished with a chair made from a wire spool and with a cot built of rough poles. In one corner, however, there was a small leather-covered trunk. Stenciled on the top of this were the words, "Frank Chaves, Attorney, Dodge City, Kansas, 1869."

Warwick read and smiled. Having examined the lock, he went hurriedly through the kitchen to an outbuilding which was filled with a litter of barbed wire and heavy tools. Selecting an ax, he returned to the trunk and methodically chopped off the hinges. Raising the lid, he examined the contents with great care. There were a few daguerreotype portraits, a few books, a great many

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papers wrapped in many folds of string, several long envelopes containing faded documents, a pair of baby's shoes, a woman's work-basket wherein lay half-used spools of thread and needles that were only needles of rust.

Warwick examined everything carefully, but not finding anything worth while, he put each back. Then as he started to let the lid fall he observed an envelope which had hitherto lain unnoticed. He picked it up and finding it sealed but without a mark of any kind to indicate its contents, he eagerly broke it open. Out of it he shook into his hand a number of folded papers and a small daguerreotype. It was the picture of a boy and, though it was very much faded, the outlines in the childish face bore a child's resemblance to the features of John Burns. He studied it smilingly and then opened one of the papers. This was a hand bill, at the top of which was a wood cut evidently taken from the daguerreotype. Below the cut ran the following:—

$500.00 REWARD FOR INFORMATION LEADING TO THE DISCOVERY OF JOHN BURNS (?) WAIF. DISAPPEARED FROM THE HOME OF HIS GUARDIAN AT UNION CITY, MO., IN JAN. 1870. AGED NINE YEARS. WILL PROBABLY BE FOUND SOME-

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WHERE IN THE SOUTHWEST, AS HE RAN AWAY TO FIND HIS FATHER, WHO WAS EITHER KILLED, OR VOLUNTARILY DISAPPEARED IN NORTHERN TEXAS SOME YEARS AGO. ATTORNEYS, OFFICERS AND ALL OTHER PERSONS ARE REQUESTED TO KEEP WATCH FOR HIM AND REPORT AT ONCE, WHEN THE REWARD WILL BE IMMEDIATELY PAID. THE ABOVE CUT IS A GOOD LIKENESS. (SIGNED.) ETC.

Warwick read with increasing pleasure. Returning the notice along with the other papers to the envelope, he kicked the trunk over against the wall and taking the ax with him returned to his own room. Having deposited the envelope in a far corner of the guarded drawer, he shut it again and tried the handle many times after he had turned the key.

Shortly afterward, as night was falling, he hurried out to the kitchen, where several cowboys lounged, waiting for their suppers.

"Here, you, Smith." He called a simple-looking fellow aside. Smith came in a hurry. "Now," Warwick spoke guardedly, "as soon as you have your supper, ride like the very devil to the *Double K* and get hold of Joe Berdan somehow without

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waking up the whole ranch. Go to the bunk house and ask if he's there. Pretend you have been down to the *Bar Link Bar*. Then when you get to Joe, tell him so no one else can hear, that he is to have that nester up here before to-morrow night."

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CHAPTER III

SMITH, after the fashion of most chosen couriers, rode his horse half to death in order to reach his destination a couple of hours earlier than was necessary. It was about one in the morning, when, after loosing his exhausted mount in the *Double K* corral, he crept down toward the bunk house. He was just gaining the friendly shadow of the wall when a gigantic figure suddenly rose and gripping his throat in iron hands, proclaimed in a muffled voice that it was time for prayer and will-making. He would have cried out, for he saw the flash of a knife somewhere above his eyes, but he could not, because under the grip, the walls of his throat shut together.

Presently, however, he was roused back to life by the light of a match in his face. He looked up and saw Chaves. Chaves was laughing at him and saying: "I knew there would be some one, but I thought it would be more than you. Get up, and while you're minding Warwick's business, mind this: If you ever whimper a word about me, I'll cut your throat, just as I would cut it now,

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if I thought you could do anything more than carry a scrap of paper or word from one scoundrel to another. Get up!"

Mr. Smith obeyed with the regulation haste and was soon in the bunk house and whispering his message to Berdan.

Wherefore it was, that about noon next day, Mr. Ben Hamilton, after having spent the forenoon in pleasant conversation with Colonel March, mounted his horse and started off down the river as if to go to the home of his father, which was some six miles down the valley, that is, six miles east. But he had hardly passed out of sight of the *Double K* ranch house, when he wheeled round and rode back up the river, losing no time, you may be sure, when he crossed the open space which the ranch site commanded. In fact, he lost no time anywhere along the way. The way led him at last to the plains and thence westward to the long and low and weather-beaten bunk house, which served as the headquarters of the *Circle Hearts*. It was dusk when he rode up, and Warwick, with a brow portentous as the coming night, was waiting for him.

Gunther came out of the kitchen and nodding to Ben, turned to Warwick and said, "This is the feller."

"You were to be here before night, young man. What kept you?"

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"Well, I had business of my own to 'tend to first." Ben answered a trifle glibly as he dropped the reins of his wearied horse.

"What business?"

"I wanted to get acquainted with Colonel March for one thing; and for another, I wanted to get better acquainted with his daughter."

"Oh, that's the how of it, eh?" Warwick examined him speculatively. "Come in here till I have a better look at you." And he led the way into the south room where, after lighting a couple of candles set in beer bottles, he motioned Ben to a cracker box and then seated himself in the one chair his establishment boasted. "Yes," he said after a survey as critical and frank as a judge of horses might make when bargaining for a thoroughbred; "yes, you might stand some show in that way. Think the girl would have you?"

Ben's cheek tinged slightly but his voice betrayed no embarrassment as he answered: "Well, a man never knows about that. But I'm goin' to find out."

Warwick flung himself back in his chair and laughed pleasantly. On a sudden he shot a keen glance at his guest and then composing his features into the most benignant of smiles, he questioned: "You, of course, understood why I wanted you?"

"I think so. You want me or some one else to bust Burns up in business either with the settlers

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down there or with the Colonel or with his own men."

"Exactly. Though I want it done without any unnecessary violence. But you understand it must be done."

Ben nodded emphatically.

"You should have been here by three this afternoon. I wanted you to go up to the county seat, where you would swear out an information against Burns on the charge of having branded some of your father's calves with his own iron. I wanted him arrested to-morrow."

"You couldn't make that stick. All of our calves have the old man's brand on 'em."

"Don't you worry about that, young fellow. Sometimes a calf gets his brand changed over night. Especially, if there is any good reason why he should have it changed."

"That's too rotten. I wouldn't do it."

"Young man," the words came explosively. "Why did you come here?" And the look that went with the question was calculated to bring Ben to his feet and it accomplished this too.

"Why, why — I— I — thought Berdan said I was just to help things along."

"Help things along to do what?"

"To upset Burns, of course."

"Is it honorable or rotten, as you please to call it, to upset this man?"

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"Well, I wasn't thinkin' o' that. Berdan said there would be money in it for me."

"Young man, there is just one thing for you to learn. I'll tell you what that is. Whoever starts out to amount to a second-hand chew of tobacco must make up his mind what he will aim to become. If he wants to be a saint, let him be one for all he is worth. But if he desires to be a man in the business world, he must be that for all he is worth. If he is half saint and half the other thing, he will never be either; soda and vinegar, that's all. Now what are you going to do? Are you to be my man or half mine in this business?"

"I'll undertake anything reasonable; but I won't perjure myself or be a party to it."

"You will if I say so."

"If you try that game," Hamilton answered with unexpected boldness, "then I'll turn and swear to the truth about you. That's what I'll do."

Warwick suddenly appeared nonplussed; he nodded with an emphasis quite surprising in one of his obvious mentality and then bursting into a laugh, admitted: "Well, you do have spunk; that's a fact. I honor a man for that. It takes that to get a man through this world, too. Now since I come to think of it and understand that I have a man and not merely a tool in you, we'll drop that scheme I talked of just a little while

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ago. Mind, I wasn't offering it just to test you. I really meant it. But we'll change to another tack. Suppose you return to the *Double K* and see if you can't win the girl. If you can, we've got him beat. If you manage to get his job there on the ranch, you'll take a different stand from what he does, won't you? I mean as to the settlers."

"Well, I'd look out for number one. But you needn't think that I'm goin' down there to make love to that girl just to have a stand-in with you. I wouldn't give one hair o' her head for all you could do for me in this world."

"To be sure you wouldn't. I understand that. I am glad you feel that way. A milksop would have no chance with her. You are going in to win and you are the one it pleases me to have win. And that's all there is about it."

"Yes, that's all there is about it," Ben echoed.

"I suppose now," Warwick smiled with an indescribably sly smirk; "I suppose if we saw that Burns was getting the better of the contest, you wouldn't object if we threw a few things in his way, would you?"

"Well, they say all's fair in —"

"That's it. That's exactly it. All's fair in love and, since business has taken the place of war, all's fair in business."

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"You hit the nail on the head that time," Ben declared admiringly.

"And something else beside a nail, too, young man. But here, before I forget it, did you see anything of Chaves after sun up? Gunther told me that he was at the *Double K* when he left at about six this morning."

"Yes, I saw him ride off with Burns about an hour before I left."

"Umhu! I expected that. Young man, Chaves is the one you have to look out for. I'll expect you to keep me posted about him all the time."

"Oh, well, I'll let you know if I see anything out of the way and if it comes handy to send you word."

"You will," and Warwick stepped forward in an easy, cat-like stride, a dull gleam in his somber eyes; "you will drop your courting or anything else, young man, to do what I tell you. I am playing a great game. You have stepped into it and within my lines at the same time. You did it voluntarily; you took my money and you promised my agent. Did you know that business is the same thing as war? That this settlement business is likely to be a war before it is dispatched? Look here," and on a sudden his face seemed to grimace into a mask of terrible calm while his words fell like the measured beating of time, "I am King of

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the Cattle Kings. Cattle Kingdom governs this country even to matters of life and death. My men are my soldiers. The whole country is an armed camp. Sir, for your own sake, remember that you belong to me. Remember that. And remember that spies and deserters are shot in war, and that this is war."

The absence of bluster, even the absence of any apparent desire to convince, made the speech terrible. It was as if Fact, and not a man at all, had spoken. Hamilton's young face drew with fear and his knees trembled.

Warwick looked sternly at him a full minute, but then as if moved by pity, said: "There, there, my boy. I only wished you to understand it. Only a few people in this world do understand how civilization conducts itself. You have looked behind the curtain. Go away and forget all about it, except that which I have told you to remember. Go on and win the girl if you can and count on my help if you need it. But remember also what I expect of you."

And with that he opened the door leading to the outside. Hamilton obeyed the implied command and feeling his way in the outer darkness until he found his horse, pulled himself into the saddle. He rode all night and as day was breaking he came to that opening in the valley of the river, through which the trail led up to the

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Double K. Now just as he exposed himself to view in this wide opening, he looked up toward the ranch and saw a horseman hastily mounting at the corral. He reined back to hide himself from sight, but as he did so, he observed that the rider was now spurring swiftly down the trail. He hesitated a moment and then urged his weary animal forward.

He did not gain the shelter of the other bluff, however. In fact, midway of the open space he heard the thud of hoofs in the sand and the unmistakable voice of Burns shouting at him: "Hold up there! Hold up! We'll settle our differences here and now."

Hamilton wheeled about and Burns reined down to a halt, ten paces away. The two men stared at each other in silence for a full minute.

"What d'ye mean?" Hamilton at last demanded.

"I mean what I told you day before yesterday — and every day of the round-up — you dirty scoundrel. You carried tales to make trouble all the time. I had my hands tied then, but the Colonel's back and now I'm free." And as he spoke, Burns dismounted. He stood waiting for a moment but growing impatient cried, "Get down and draw."

"Oh, I don't know." Hamilton drawled

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easily; " I don't know that I will. There's no law to make a man fight a duel, is there? "

" There's plenty of law in a challenge, to a man; but of course to a tale-bearing coward, there is none."

" What's that? " And Hamilton's anger half choked him.

" I said there was no law to make a cowardly cur like you fight," Burns answered coldly.

Hamilton's big brown face flamed red as with a hoarse oath he leaped to the ground. " Draw, then," he shouted; " draw."

Now they were facing each other not more than ten yards apart; and, practiced as each was, in the use of the pistol, they required but the fraction of a second to begin actual shooting. However, that fraction of a second had not passed, when there rose from behind Burns a wild scream of command.

At this Hamilton looked up, and as he did so he lifted his hand from the butt of his pistol and folded his arms. For he faced the trail to the headquarters, and looking there he saw first, Shorty McGill, riding like a Cossack; next, Colonel March half way down from the house and riding like a clothespin on a string, and lastly, at the stoop, the figure of a woman in the attitude of watching. But when he looked at his

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adversary he saw him behind the black muzzle of a carefully aimed pistol.

"Draw," Burns thundered; "draw."

Shorty dashed between them. "Nell says yer not to fight," he cried, "and the Colonel says so, too."

"Neither Nell nor the Colonel have anything to do with this matter," Burns spoke sharply. "Out of the way there and give him a chance to draw."

"But Nell —"

"Nell has nothing to do with this. Get out of the way." And there was a ring of command in Burns' voice that Shorty heeded instantly.

"Draw," Burns commanded; "draw."

But Hamilton stared again at the figure of the woman at the stoop and noting the rapid approach of the Colonel, he smiled like one who sees triumph at hand. "I will not fight you," he said with cool insolence.

Burns stared at him for the fraction of a second and then stepped forward without a word. Approaching near, he returned his pistol to its holster, but crowding against Hamilton he slapped him in the face and catching him by the shoulders dexterously swung him half way round and kicked him.

"Now, will you fight, you cur?"

"I'll fight you when the time comes," Hamil-

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ton answered in a voice shaking with rage; "I'd do it now only I can't afford to."

And now the Colonel rode up, bouncing far forward on the neck of his horse as the brute stopped. "What is the meaning, sir, of this? An affair of honor or a mere quarrel?"

"This man —" Burns began saying.

"I know this man," the Colonel sharply interrupted. "I talked with him yesterday; he is a settler. I talked with him while you were visiting away on my time with Chaves, the biggest scoundrel that ever struck the country." Then turning to Hamilton the Colonel asked, "Why did he follow you and try to force a quarrel?"

"I'd rather he'd explain that." Hamilton smiled as though the explanation would be something quite preposterous. Then he turned his head and gazed so steadily at the figure near the stoop that the Colonel also turned. And as he saw, a look of amazement spread upon his features. Presently he lifted his head very high and sat up straight as a ramrod. "Mr. Hamilton," he spoke with great ceremony, "if you please, mount and return with me, sir, to my ranch. I will see to it this very day that there shall be nothing further in common between you and my manager, if that is what is troubling him." Then he turned to Burns and Shorty, who were standing together, "You two may go back to the bunk house and

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when you have had your breakfasts, be so kind as to get to work."

At that Hamilton flung himself into his saddle with an easy spring that quite delighted Colonel March and began talking with an ease that equally delighted.

When they had eaten breakfast they went to the big and dusty front room. There, when they had seated themselves, each in a haircloth chair, the Colonel, after pulling his goatee and mustache until his face was very red, opened the conversation in this wise: "Ahem — Mr. Hamilton — you of course understand that my interest in this matter is primarily my interest in the cause of justice. I believe, sir, that you understand I am the only one of the cattle kings willing to abide by the law that encourages settlement in the pastures. This position is dear to me; I have my hopes and my ambitions. Sir, the day will come when he who has obeyed the law will be held up as a most worthy citizen and the people will not forget that which is due him in the way of public honors. I can suffer no duel or quarrel between my manager and a settler for any cause. You understand?"

Hamilton understood quite clearly. The Colonel had spent all of the previous forenoon telling him how the gang of tricksters back in his district in Missouri had beaten him for the nom-

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ination to the State Senate. So the young man said: "You are right, sir. It would not do. I understood that and thought of it and that was why I didn't let him force me to a fight."

The Colonel's face filled with generous admiration; he rose to his feet, stood irresolutely for a moment, and then going to the door called loudly: "Nellie! Oh, Nellie! Come here, I wish to speak to you." He closed the door with the air of a man who has no doubt at all in his mind; and once more taking his seat observed: "I wish my daughter to hear of this affair, so that if there should be any — ah — well, any reason — er — um, she will understand."

Hamilton got to his feet in real alarm, objecting: "Oh, no, I wouldn't do that, sir. Not at all. She might misunderstand worse than ever."

"Never fear," the Colonel assured him; "never fear that. I quite understand my own family, sir."

Hamilton, however, got no assurance from the speech and as he had some gift in the way of imagination, which is sometimes a very unfortunate gift, he settled into the haircloth chair and as he slipped on its smooth surface he felt that his fortunes, like his body, were also sliding down to a situation altogether grotesque.

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CHAPTER IV

NOW if Nell had heard her father's call, it is possible she would have gone dutifully into the front room. But she did not happen to be within earshot of the front door at that moment. She was, in fact, standing on the threshold of the bunk house kitchen. From that coign of vantage she was carrying on a general conversation with nine or ten men who were doing their best to eat breakfast and to answer her questions. There were more than nine men of course at the table — there were twenty-six of them — but the nine were friends of her childhood — " the old hands." Now, of the nine, Burns was the first to push back his plate, but no sooner had he performed this simple act than she speedily lost interest in the others, and apparently even in him.

However, when the badinage around the table grew too strong for him — that is, when Shorty capped the climax by saying, " Go on out an' talk to 'er. I'll apolergise fur ye to the boys here an' explain to 'em that you an' her was engaged when ye was last together " — he got awkwardly

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away from his chair and came out. She was waiting.

"I did want to talk to you," she said in a low voice, but with a keen glance at him.

"And I — I wanted to talk to you, too," he stammered.

Evidently this was not what she had expected; she tossed her head and looking him full in the face, commanded: "Let us step away from here; what I have to say concerns no one but you."

"We could walk out by the corral," he ventured hoarsely.

"I never saw such a simpleton as you have grown to be. The men will all be out there in a minute saddling up."

"Then we might go out back of the kitchen at the house, where we used to make mud pies."

"I don't care for that. What I have to say has nothing at all to do with that."

Then being at the end of his resources, Burns said: "Well, you might say it here."

This was another unfortunate speech, for this time she was obviously vexed beyond measure. She turned away toward the house, giving him a look that clearly terminated the conference. But alas for her womanly resolution! It yielded to perhaps something else, for turning back she stepped very primly past him and ordered, "We will walk up along the trail to the rim rocks."

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He followed a little way and then desperately came up beside her just as they were passing the last of the corrals. She did not deign to look round or to say a word. So he strode along in wondering silence. For a short distance the trail was broad and easy, but soon it began winding narrow and steep along the brow of the bluff. Presently when they came to a little gully, where a cascade from a recent rain had cut across the track, he tried to assist her. But no sooner had his hand touched her arm than he felt an unaccountable timidity; no, it was a palsy.

She turned and laughing at him leaped lightly across. "Oh," she said, "you are a simpleton."

He knew this was true, so he blushed and nearly fell into the ditch as he struggled over to her side.

Shortly afterward they came to the rim rocks; that is, to the top of the cliff. There they stood for a moment looking back into the valley. Below them the trail wound down to the corrals and the bunk house and the ranch house — a string with toy buildings tied to it.

Beyond, the arm of the valley swept back to its trunk, the great valley of the river. The mile-wide sands of the channel were dry and they gleamed in the sun like a field of jewels. Yet beyond was the other bluff, dimly blue behind its own shadows, a vast wall shutting them away

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from the mirages and the mysteries of the plain that lay beyond. And then, just as they had done of old, they turned at the same time with a sigh to look upon the plains that ran to the northward forever from their feet.

"Oh," she said happily; "it is just the same. Just the same."

"Yes, I know it."

She turned sharply as if annoyed, and then, pointing where the arm of the valley joined the river, said: "I wanted to ask you about what happened down there this morning. Why did you try to shoot that man?"

"I challenged him," he answered without a trace of difficulty, "because he tried to make me a lot of trouble at the round-up."

"Was that the whole reason?"

"Yes, it was. It was enough, too. I was expected to keep the outside men and the settlers apart, but that scoundrel did everything he could to make them fight. And I know that until I do settle with him, he can make trouble any time he sees fit to do it. Because if I let it go, half my men will go over to him. And they ought to, for he'd then be the one that runs this pasture."

Clearly this explanation did not please her at all. She pouted and was very pretty in the act. Then she said: "What little I saw of him day before yesterday, I thought, quite gentlemanly."

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"Oh, you did." He said this with considerable difficulty.

"Yes, I really liked his appearance; he is good-looking and he knows how to conduct himself, too, when there are ladies around."

"Oh, he does?"

"Indeed he does. It would be better for you, I think, to go and take a few lessons from him in that, instead of trying to scrape a quarrel with him."

"I didn't try to scrape a quarrel," he exclaimed angrily; "he forced me to a hundred quarrels in the two weeks of the round-up and I had to let them go. I had to obey the orders your father gave me, for I had agreed with him to see the round-up through. I took things off that big-faced sneak that I wouldn't take from anyone for anything in the whole world."

"Oh," she said coldly; "pardon me for saying anything at all about the matter. I had forgotten that you might have changed in ten years into something else than I thought you would be. We will not discuss the matter any further." And she turned and started down the trail.

"Nell," he choked desperately; "Nell, let me tell you how it was."

"No," but she paused abruptly and stood waiting.

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"That fellow," he began.

"I do not wish to hear you speak of him. It's hardly like a gentleman to abuse him to his back, and that's all you seem to have to say about him. Besides, I am his friend, too, and I don't wish to hear him abused." But all the time she was speaking her face was turned toward the valley.

He was silent a long time. Then suddenly he spoke as he started to follow her: "Of course, if he is something to you, that could make a difference with me."

Now she turned and looked him scornfully in the face. "He is something to me," she exclaimed hotly, "and I warn you not to try to lay hands on him again."

For a moment he looked at her in amazement. Then accepting her words, he answered slowly: "There is nothing in the world I wouldn't do for you, Nell; nothing, I mean, that you could ask of me. But you can't ask me to let this man start the war between the settlers and the cow men, when I'm pledged to keep it down."

"I don't care what you are pledged to, you must not try to force him to fight you."

"You don't understand how things are." He spoke gently.

"I don't want to understand them."

"No?"

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"No, I don't."

"I thought you said that was the reason you wanted to talk with me."

"It was not, sir, and you know it."

He stared at her in profound wonder. Whereat she stamped her foot to emphasize her words, "I hate you."

Striding forward at this he roughly seized her by the arm. "What do you mean?" he demanded.

Apparently she did not know what she meant, for she hung her head; but glancing from the tail of her eye she saw him beginning to be afraid, so she tugged free, and then as though quite surprised herself at her words, spoke in this wise: "I suppose if you don't understand why I didn't want Mr. Hamilton to fight a duel with you, you can understand it in my having sent Shorty down to save him from it."

"Am I to understand it that way?" he asked with a wince.

"Yes." The reply came like the snap of a whip.

"All right, then." He spoke with difficulty. "If that is the way of it, I'll go down to the ranch and settle up with the Colonel and I'll leave this country, for I couldn't stay here without meetin' that — that friend of yours, and when we met there'd be the same old trouble."

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"Then go." The words burst like a sob and with one from her lips. Then, gathering her skirts, she ran straight down the trail. When she came to the foot of it, not far from the corrals, she turned and looked back. He was standing where she had left him and she saw that his head was bowed. Then, sobbing frankly, she slipped along the base of the bluff, not daring the open trail, and gaining a point far round in the valley behind the house, she came unnoticed to it. Entering silently by way of the kitchen, she tip-toed up the stairs to her own room, and having locked the door, very logically threw herself on the bed and with the same logic stuffed her face into a pillow and then cried as if her heart were really broken; she knew it was broken. And she knew it was irremediable, because she had done it herself.

Now, after crying for about an hour and a half, she suddenly sat up very straight and after a moment's thought sprang to the floor and had recourse to a wet towel, a powder puff and other applications supposed to be sure eradicators of the traces of weeping. But before she had finished her use of these, she unlocked the door and propping it open, listened for voices from below. Hearing none, she carefully finished her toilet, so that at last she stood before the mirror as pretty and sweet as you could wish, for there shone in

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her eyes that hint of resignation which is a woman's victory.

She walked slowly down the stair to the door of the front room. On seeing Ben Hamilton she drew herself back hastily.

In a moment the Colonel stepped out to say: "Come on in. I called you more than two hours ago."

"Oh, I didn't hear you. Can't you come out a minute, please? I have something I want to say to you."

He came hurriedly, yet haltingly, as if he did not wish to come at all.

Then as the door closed behind him, she put her arms around his neck and whispered: "If John should come and ask to quit the ranch, you mustn't let him go."

"What?" he gasped. "What?"

"You must not let him go."

"Oh," he answered grimly, "he's already gone. He came an hour ago and asked for a settlement. I told him I didn't have time to-day, but that I would make out his check to-morrow and send it for him to Station Ten. He is gone and I am convinced it is for the best that way. Why didn't you want him to go?"

Now, by all the laws of conduct she should have burst into tears and protestations. Instead, she summoned a smile and told him she was going out to find Shorty.

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CHAPTER V

IT was Nell's intention to find Shorty and send a message which she could never have brought herself to send by any one else. However, there was just one unfortunate detail in this scheme: Shorty having been ordered by the Colonel to get to work as soon as he had eaten his breakfast, had obediently saddled a horse and ridden away just about the time Nell and Burns reached the rim rock. He had started for Bob Gordon's line camp, which was some forty-six miles to the northwest. Burns had specified this job for him.

However, Nell was not alone in a desire for the manager's return; her sharer in this was perhaps the strongest ally she could have had, too; this was none other than her father. For the Colonel, notwithstanding all his peculiarities, his petulance, his fears and his ambitions, was, like a great many other petulant, suspicious and prideful people, given at times to sentiment pure and simple.

No sooner had he returned to the front room than he began thinking on what Nell had said about Burns. Also he began wondering why his man-

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ager had come to ask for dismissal. Then it struck him — as it would have struck any one else in the first place — that it was quite akin to tragedy for a man brought up on a ranch and proved so capable and worthy as to be entrusted with its management, to have been permitted in the end to go away from it forever without a clear understanding of the reason. Instantly his memory conjured up a thousand scenes from the past; first, there shifted into view Burns and Shorty, mere children, standing hand in hand before the ranch house door as he and his wife and Nell had come driving up in the ambulance. Again he heard Burns say, "Mister, this is my pardner an' he's too small an' young to go it alone yet. He's a waif; an' if ye could keep 'im till I find my daddy, I'll come back an' pay ye for 'is keepin'." And the rest of that scene was sympathy and love and tears. In thought experiencing many and many a gay and hopeful incident, he came at last to one in the room in which he sat. There was a bed over yonder in the corner and he was beside it listening to the last words of the woman who had been the one in all his experience to know and always understand him — kind and wise and approving and gentleness itself — aye, to him the very incarnation of all good, his wife; he heard her whisper, "Take care of Nellie and the boys,

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and if anything happens to you, fix it so that John will —" There the words had ended.

Quite frankly he pulled a handkerchief from his breast pocket and quite frankly he wiped his eyes. Then he stared at Hamilton and as he stared it seemed that he saw something altogether contemptible in the young man. So he said: "You are a designing young villain. I wouldn't give John Burns for a forty-acre field full of such fellows as you."

Now, Ben was not quite prepared for this; however, he smiled vaguely and waited for a better understanding. It came immediately, for the Colonel went on: "You sat here and allowed me to permit him to go away without a question. After he went you approved me. Before he came you had prepared me, sir, for the baseness of my act. You made me believe a lot of things about him that now I know were lies. You hinted that he was dishonest; nay, more, you filled me with innuendoes against his honesty. Sir, I am a man of many mistakes and often my heart gets the better of my head, but now it does not. I understand you at this moment better than I might had I known you all my life. You may go, and I wish you to remember this: whatever I may think of you the next time I see you, the time will come again when I will see you just as I do now. And, sir, when

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it does, if you have made any headway in the villainy, whatever it is you contemplate, then by the eternal God, sir, I will shoot you as I would a prowling wolf. Go."

At this, the young man having already risen to his feet, stepped forward hesitatingly, betraying himself also by hands that worked nervously and a cheek that went white and red by turns. "Wha — at do you mean, Colonel? What have I done?"

"Get out. Get out instantly."

"But surely —"

"If my words are not enough, then, sir, I shall find means to make you go."

"But, Colonel —"

Now Hamilton should have known that a man who can all within one forenoon invite another into his house and family and then without explanation order him away with threats against his life, is really not just the person with whom to waste time in argument. But he did not know this; so, for the second time that day, he was caught by the shoulders, spun half way round and kicked soundly. On being kicked a man loses the desire for argument — words become inadequate — so he broke away to save himself from a desire that would have effectually ended all his relations with the *Double K*.

No sooner was the settler gone than the Col-

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onel hurried upstairs to his room, and pulling on a pair of riding boots and donning a wider hat and a brace of silver-mounted Colts, made himself ready for a long and adventurous journey. As he came by Nell's room he called: "I am going to Station Ten to bring him back. Have you any message?"

She came out quickly, and she kissed him and patted his cheek until he felt a head taller, but she entirely evaded the question of a message.

Then he went to bid Aunt Hattie good-by. After he had accomplished this — a sort of inquisitorial process — he rushed out to the corral and saddling a horse without a saddle blanket, swung himself up and spurred away, his heart full of high and noble enthusiasms.

Station Ten was some twenty odd miles up river and the way was in the valley. Now, the Canadian, though wide of channel, because of the mighty floods that sweep it during the spring rains, is shut on either side by clay cliffs of vast height. These rise on either hand just a little distance back from the banks. To speak exactly, then, there is no valley, instead, merely a wide canyon. This is crooked and twisted indescribably. Here and there, owing perhaps to some strange freak of the river, the great walls are broken down. Through these openings one may look into broad amphitheatres of true valley walled like the canyon

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proper, by vast clay cliffs rising to the sky line where the gray rim rock juts.

About eight miles from the ranch house the Colonel reined in his horse at the opening to one of these bays of beauty and seclusion, merely to feast his eyes upon the color in the rain-washed walls and upon the masses of white rim rock overgrown and half hidden by the green of the wild China. Part of the little valley was shut from view by the tumble of cliff at his elbow, so that he was quite taken by surprise when a most odd-looking man on a mule suddenly rode round the point and with a loud "Whoa, ye hard-mouthed son-of-a-gun," jerked on the reins and then nearly fell off over the mule's ears, as the brute at the first word abruptly stopped and bit at a spear of grass between his fore feet. This man was Jed Markell. The Colonel vaguely remembered him as one of the settlers whom he had seen at the close of the round-up. Wishing to be on friendly terms with everyone and besides having his dreams of friendship for political purposes, he smiled and saluted.

Jed, having recovered his equilibrium, got to the ground, but not finding a stick with which to chastise his mount, attempted punishment with the bridle reins. In this he failed, because the mule stepped on him with one hoof and kicked him with another and then broke away.

Now, of course, there was nothing for the Col-

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onel to do but to start out and catch the animal. The etiquette of any region would demand that. So with a hurried promise to Jed he put spurs to his horse and gave chase. This led him out into the canyon, for the mule, after the fashion of his kind, was a wise brute. Away up river he went, with his head held sidewise and his hoofs beating the sand rapidly enough to keep a good stretch of it between him and the possibility of capture. After him the Colonel spurred and swore a vast vengeance that was filled with references to a stout halter and a gate post in the middle of a desert, but which could not be fulfilled until the object thereof should permit himself to be taken. And so it was that the pursuit continued for some three miles in the canyon and then turned abruptly into another one of those amphitheatres. As soon as the mule turned into this the Colonel knew the brute was as good as caught, so he reined down to a slow walk and, as he followed his quarry, casually examined a small band of cattle that were about to pass out into the canyon. Now, there was nothing particularly remarkable in the general appearance of the animals, unless it might be considered that the red cow with the crumpled hip was remarkable; but all the same the Colonel uttered a wildly incredulous exclamation, and forgetting all about the mule, he wheeled round and chased the little herd. At that they fell to running, but

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very speedily the lamed cow and her calf dropped behind. He drew up alongside her and read and reread the KK on her left side and left thigh. There was no mistaking it. He swung round to read the brand on the calf. Where the KK should have been was a newly burned splotch. But on the left shoulder and the left flank showed fair and plain a Flying J, which was the brand he had permitted John Burns to run. When he had satisfied himself of this he drew one of his pistols and shot the calf through the body. He dragged the carcass into a gully at the foot of the bluff, and kicking loose a sod that overhung, buried the thing from sight.

"It's a conspiracy," he muttered, as he once more took to his saddle. "It's a conspiracy, and that's all there is to it." Then as if to go forth in battle against all deceit, he spurred out into the canyon again and straight up the trail toward the Station. However, his horse was well blown and he made such slow progress that it was near night when he came to that town of — at that time — mud walls and mud morality.

He of course got down at Mexican Pete's — it was the only place in the town where a white man would get down. It was a sort of store, gambling hell and drinking place, in which the post office was conducted, along with certain other institutions less worthy of mention. The door was ajar and he

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heard the tinkle of a mandolin and the plaintive song of some castaway senorita as she sang the wild heartbreak of her race, intoning it with her own life's bitterness. Then he heard a gruff voice which he recognized as that of Mexican Pete say, "Warwick will send him to hell on a short road, an' you mind it." He listened for the answer, but there was none, so he went on in.

Mexican Pete was lounging over the bar; in front of it, facing him, was Gunther.

Now, it was a time-honored custom in that country for a man on entering such a place to buy the drinks for everyone present. Wherefore Pete ostentatiously began fingering the glasses at his elbow. But instead of obeying this mandate of public sentiment, the Colonel merely stared into Pete's coarse and hairy face, in a way that clearly indicated his doubt of getting a truthful answer, and asked: "Have you seen anything of my man Burns?"

Pete looked slyly at Gunther and replied: "Jist now a talkin' about 'im. Jist this minute."

"Ah," said the Colonel, recalling the words he had overheard and wondering about them; "ah, is that so?"

"You 'av said 'er."

"When did he leave here?"

"I never said he left here. Said we wuz a talkin' about 'im."

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"Oh, I see." And the Colonel tried to fathom the joke, instead of smiling at it, as a diplomat would have done.

At this the girl, sitting at a table in a far corner of the room, dropped her mandolin and her song as if to listen. Gunther, who had as yet kept silence, spoke: "I thought we wuz a talkin' about this yere —"

"Your thinker needs a little tinkerin'," Pete sharply interrupted him, "and seein' the Colonel seems to have forgot the usages o' politeness I'll jist recall it to 'im that nobody has drunk with 'im sence he come in."

Whereupon the Colonel called for the bottle and the glasses. Then the singing girl, as was her duty, came forward to make another drink in the bill. Now, whether it was her song or whether it was the wistfulness that comes to the eyes of such women when they see a kind face, it is quite impossible to say; at any rate, as she stepped up to the bar, the Colonel said to her: "Poor child. Poor child." That was all he said, but his eyes filled with pity. And when she tossed her head and showed her white teeth in a smile, he forgot her and returned to the whisky and his questions.

"Yeah," Pete at last admitted, "he wuz here. Jist about noon, I reckon. Wuzn't it, Annunciata?"

The girl nodded.

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"When did he go away?"

"Ask her," Pete answered with a guffaw. "He come to see her."

The Colonel looked at the senorita for a long minute and then returning to the proprietor questioned: "Did he say anything about when he would be back?"

"Ask her."

"But didn't he say what you were to do with the check I was to send up here for him?"

"Said to give it to her. Ain't that so, Annunciata?"

Annunciata was busily engaged in rolling a cigarette; she did not answer.

"Speak up," Pete commanded.

"I have no match," she said, as she moistened the paper with her lips.

"You got more'n a match here," Pete growled as he came from behind the bar. "You tear out o' here."

But instead of obeying, the girl smiled and then swore at him in Mexican; that is, she said *chinga,* which means everything from a dog to the devil. But turning to the Colonel, she chattered: "He lies much, too much. It was the other one that was here. If he comes I shall make him hear what you wish, for you are my friend."

And with that she scudded across the room and took refuge behind a door.

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He turned to Pete, warning him, and then going outside, got his horse and started home.

Now, it was far in the night when he came to that point from which he had taken up the chase of Jed Markell's mule, and here it was that he first recalled the fact. The idea of it tickled his fancy and he laughed aloud.

At that, from the darkness beside him, Jed's voice rose in anger: "Yeah, Dod burn ye, ye thought hit wuz a smart trick to drive a man's stock away off an' leave 'im afoot."

"My dear sir!" the Colonel was aghast at this; "I really forgot all about him."

"Umhu! That's what the feller said when he borried a wagon an' takened hit off an' sold it. 'Lowed 'e forgot to bring hit back."

"But your mule will come back."

"Yeah, like hell 'e will. I been up thar. I seed 'im. I did."

"Then why didn't you get on his back and ride him home?"

Jed's answer to this was a howl of wrath; after that, his voice rose in something very like sobs. When at length he got speech he said, "I might a knowed a rich man would do that away with a pore feller."

This settled it with the Colonel. He even laughed and without further remark rode on. It pleased him too when the voice followed him, say-

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ing, " Dod burn ye, ye'll pay me double fur him." And all the way to the ranch he found release from the oppression of his heavy thoughts whenever he pictured Markell sitting all through the afternoon waiting for his mule and at last walking to that distant valley and having to walk back again.

Even next day when Nell's constant inquiry and half-uttered fears brought fresh trouble to him, he could bring a smile to her face by reciting the story of the pursuit. But about the middle of the afternoon even this comfort was snatched from him, for Martin came riding in and said, " Markell swears you chased his mule off up into a side canyon and shot it. Somebody did shoot it anyhow, fur I seen it myself." And since Martin was the oldest man on the ranch — having been in the Colonel's employment for more than twenty years — and was not to be doubted in anything he would say, the fact, for it was one, had to be accepted.

As the Colonel thought upon this and thought too of all he had seen and heard at Mexican Pete's, he felt a vague, yet great fear. Wherefore when night came, and with it all his men who had not been sent away to line camps, he called them together at the door of the bunk-house kitchen and gave this order: " Each man of you take the best horse in his mount and hunt for Burns. When you find him, say that I sent you for him and that he must come back."

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When they had eaten, the twelve of them hurried out to the corral and saddling swiftly, vanished swiftly from his straining sight. After a long time, he made his way to the house. As he was entering, Nell stopped him in the hall — "What have you heard?" she asked. He did not answer her, but going into the front room sat down and buried his head in his hands. She followed him and strove to cheer or sympathize. At that he sobbed.

"Oh, please what is it?"

"I fear I have sent him to his death."

And after that neither the one nor the other looked up or spoke until something like two hours later, when there came a thunderous knocking on the front door; then both started in alarm and the remorse that had merely before drawn at the corners of their mouths, caught them by the throats and choked from them, "Oh!" "Oh!"

Together they went to the front door and having thrown it open confronted Chaves. There was a wild look in the dark eyes of the visitor and a smile of contempt was on his lips. "Why did you publish to Warwick that Burns is to be taken back?" he demanded with a fierceness which was explained in his next words. "You knew that Warwick would have been satisfied if Burns was kicked out and left out. But now that he is to be reinstated, he will never again be easily dis-

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lodged — and I warn you that Warwick will stop at nothing to dislodge him."

The Colonel could say nothing; but Nell with a great fear shining in her eyes asked, "But where is John?"

Chaves frowned at her as he answered, "I suppose there is no one in the country who has a better right to know that than you. I don't know, but I should imagine he is just wherever it was you sent him."

"Oh." And her head drooped while her hands fluttered.

Then on a sudden there sounded the swift volley of galloping hoofs. The three turned and stared into the night that hid the river trail. Presently a foaming horse blundered up before the door and his rider tumbled off and staggered into the circle of the lamplight from the hall. It was old man Hamilton, and his gray hair was flying and his blue eyes gleaming strangely; he did not pause to greet them, but demanded, "Where is my boy?"

The three looked at him wonderingly for a moment; then Nell put her hands to her face and seemed about to fall. But before Chaves, who sprung across the threshold, had reached her side, she dropped her hands and stood up straight and tall; and looking with eyes that did not see and speaking in a voice that was barely audible, she

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said: "Then it is all my fault. I — I — I — sent John away. It was all my fault."

The three men gazed in mystification; but Chaves, who first understood, pitied her, for he said, "Don't worry about that, child. Burns can take care of himself in any fight with any man if the field is fair. But —" and he paused reflectively —"but if you sent him away for the reason I imagine, and Hamilton was here at the time, then I suppose they have met and by this time they have fought. Maybe that is the reason that neither has come back." And his pity seemed to change quickly to contempt.

"I sent Hamilton away," the Colonel now stepped to his daughter's side as if to shield her. "I sent Hamilton away under circumstances that would have sent him in search of vengeance upon Burns."

"Then something has happened," Chaves declared suddenly, "for Burns was to have sent me a message by noon to-day at the *Bar Link Bars,* and I was on the way to meet it because it did not come, when I met the boys hunting for him. Umph! But this is a farce where simpletons have presumed to play in tragedy." There was no gleam of pity in his eyes now; on his great and brutal face there played a look of amazed scorn, as though he were surprised that it had been given him to accuse others. He went on, "You little, little simpletons!

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Listen! The plains are mined for war. Warwick has mined them. This is his empire against all right and all law and the lives of all who oppose him. Pah! You presuming egotists. Burns led the forlorn hope of justice here. You have had the sublime effrontery to make him dance like a manikin to your crazy whims beneath his man's burdens. They were the burdens of men, of real men, and of women that were real women. God! what a comedy!"

The long silence that ensued was ended at last by the old settler saying, "Yes, that is so. If Burns is gone then the men and women that's come here an' made homes will have to go. Fur without him to stand up between, they're whipped afore they start to fight."

In ordinary circumstances the Colonel would have resented Chaves' words with a challenge to fight, and he would have met the implied aspersion of the settler, by ordering him off the premises; but now he felt the justice of the one and the truth of the other, and like a man whose manhood never shows until the last analysis, he acknowledged them with an humble nod. "Come in," he said at last in a breaking voice; "we can only wait now until day and news come."

And he led them into the big front room. Nell brought another lamp and put it on the table at his elbow. Then she slipped quietly out and

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did not return. After a time they heard, in the profound silence which seemed to have enwrapped all the world about, the faint echoing of her voice as it rose and feel in repeated sobs. And the three, each one wrestling with his own fears and doubts, sat looking at the floor. They waited tidings that each one felt her grief foretold.

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CHAPTER VI

DAY came, the east grew gray, bars of pink light shot up, and after that a suffusing glow. Then far away on the horizon, like a bubble of boiling iron, the sun welled for an instant, took globular shape and rose in compelling triumph. As the windows of the front room in the *Double K* ranch house lighted with the first rays, the three men shuffled uneasily from the doze into which they had fallen, and without a word they walked out into the open air. Old man Hamilton's horse was standing in a tangle of his bridle reins and he whinnied at them.

"He ain't all that's tangled up this morning," Chaves observed gloomily.

The others nodded.

"It's the faithfullest ones," he went on, "that get tangled up the worst."

As he spoke, there came the noise of someone riding down the trail from the rim rocks. They looked and saw three men approaching on horses that stumbled wearily. "It's Masongale an' Joe Berdan an' another deputy, I reckon," Chaves declared after a moment's scrutiny. "Now what the devil do they want?"

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The Colonel thought of Jed Markell's mule and shuddered. Old man Hamilton thought of his son and shook with fear.

Presently the little posse — for Masongale was sheriff — halted with a jingle of spurs and a creak of leather and the three riders got stiffly down without a word in response to Chaves' greeting. Masongale came forward awkwardly, for he was a bulky man and his high-heeled boots turned under him at every step. He got out a pipe, shaved some tobacco from a plug, and having found a match and got his briar going, scratched his head and asked with great deliberation, "Seen anything, you fellers, o' John Burns?"

"What's he done?" Chaves asked, without answering the question.

Masongale, who evidently took his business as seriously as he did himself, blinked a pair of small dull eyes, and again demanded: "Seen anything o' John Burns, any o' you fellers?"

Chaves laughed insolently, and turning to Berdan, who was grinning with delight, questioned him: "Joe, what does this hogshead want of Burns?"

The sheriff assumed a look of insulted dignity, that is, he thought he assumed such a look, and blurted out: "Well, then, if ye got to know, he's been a trifle handy with 'is iron."

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Now, an iron in those days meant just what it does now, in any cattle country; it meant either a pistol or a bent rod for putting on brands. But the Colonel, Hamilton and Chaves thought only of the first definition, so they crowded close, demanding the particulars of a tragedy. At this Berdan burst into a roar of laughter. Masongale, thinking his dignity had been satisfied, stared at them in profound contempt. Then, discovering that he had neglected to keep his pipe alight, he struck another match and answered: "I said he'd been a trifle handy with 'is iron. I didn't know he'd been out a gunnin' with anything but 'is brandin' iron." Whereat, seeing he had made something of a bull's-eye in the way of wit, he laughed immoderately.

"Who charged him with anything of that kind?" the Colonel demanded angrily.

"Yes, who was it?" Chaves thundered.

Masongale blinked at them through the vapors of his pipe, but answered nothing.

"Tom Masongale," Chaves spoke with obvious self-restraint; "I think I made you sheriff. Speak up, now, or I will make you something else."

"I repersent the state o' Texas —" the sheriff began obstinately.

"You represent a pack of scoundrels," Chaves interrupted sharply; "there is no law in this

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country but the law of this." And as he spoke he drew two pistols from his belt. "Now answer me, and no foolishness."

Masongale looked at his deputies. They were grinning. Then he said: "Well, if it's only to save a ruction, seein' the law don't want no ructions, seein' it's my duty as a orficer to keep trouble down, I'll tell ye this much. Hit 'pears that Burns has been a barrin' out the brands on *Double K* calves and a puttin' on his own. Wind o' that got to Judge Smith an' 'e made out a warrant an' put it into my hands, an' I'm here a waitin' to serve it on 'im. That's all they is to it."

"Then you can tear up that warrant," the Colonel ordered. "I know that Burns never did anything of that kind. Some one else did it to make trouble for him. I will not allow him to be indicted or arrested on any such a charge."

"You hear that?" Chaves demanded triumphantly.

"Yeah, I hear it," the sheriff answered, stolidly; "but it wuz the judge that issued the warrant an' not you fellers. Whenever the judge orders that warrant tore up, I'm shet of it; but I hain't till then, an' they hain't enough men in the Panhandle to make me tear hit up till he says so."

"Tom," Chaves began genially; "you know this warrant is all a cooked-up deal; ever since

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you've been a puncher on the *Z—'s* you've known John Burns to be the straightest and squarest man in the whole country. You know who's behind all this as well as anyone. The whole thing's a sham."

"Lookee here, Frank Chaves," the sheriff spoke doggedly; "I hain't nothin' to do with tryin' the case. I wuz 'lected sheriff all accordin' to Hoyle; an' as you said, you he'ped me to git elected. Then I takened the oath o' sheriff, not to you, but to the judge an' the Deestrick Attorney an' they wuz a repersentin' the state o' Texas, an' that's whut I'm a repersentin' now."

"You shall not arrest him on that charge," the Colonel thundered.

"You men," said Masongale, slowly, "don't know jist whut you air a sayin'. You air a tryin' to intimidate a orficer in the discharge o' his duty. That's agin the law: an' if ye don't dry up, I'll arrest ye right here. That's whut I'll do."

"Oh, you mutton-head!" Chaves growled angrily. But as if he had not given up hope, he began on another tack. "Masongale, seeing that you are bound by your high sense of duty to serve this warrant, and I suppose you should, do me the favor of explaining how the information for it came to Judge Smith."

"Well, sir," the sheriff seemed at last easy in

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his mind. "Hit wuz this away. Yisterday, about sun up, a nester from this yere paster, come a ridin' up to the county seat, an' filed hit."

"A nester!" the Colonel exclaimed in amazement. "Who was he; what was his name?"

For the first time, Berdan opened his mouth: "Well, sir, I reckon that's the saddest news of all. It was a young gent you might a listened to, a young gent you did listen to, day before yisterday, a young gent named Ben Hamilton." And he looked with a knowing smile at the old father.

"My boy," ejaculated the settler, rousing himself to a stiff posture, "has been associatin' with scoundrels quite a good deal of late."

"Birds of a feather flock together." Berdan mimicked his attitude, but spoke with a chuckle.

"Now," said Chaves, turning to the father; "you can well worry about your son, for if John Burns meets him after this, you know what will happen. You'll have your boy to bury."

As he spoke, the front door opened, and Nell, very pale, came timidly out to the group. She plucked her father aside to question eagerly for the news. When he had told her what had just passed, she pondered a long time, then bringing old man Hamilton and Chaves, with a look, she told them: "You need not be alarmed over that, for we quarreled about Hamilton and he was leaving to avoid the further chance of meeting him.

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I have his promise and I know he would not break it."

"But this new deal—" Chaves began saying.

"Would have nothing to do with it," she interpolated. "I know he would never break his word to me." But when she had spoken, a red glow of shame filled her cheeks, her eyes fell and she turned toward the house.

"The girl is right," Chaves observed; "if he gave her that promise, you may depend he'll keep it till he sees her again and takes it back."

And this seemed so logical a conclusion that their suspense seemed logically at an end. The Colonel smiled; old man Hamilton smiled, and Chaves chuckled gleefully. The Colonel, mindful at last of his duties as a host and a ranchman, turned to Masongale hospitably: "Put your horses into the corral and give them some hay out of the bales in the granary. Then come on into the house and we will have breakfast and talk this matter over."

In a short time the whole party sat round the table and discussed trivial matters with profound wisdom and deep interest. It was the accepted conclusion with them that Burns would never show himself again and would never know of the charge laid against him.

"But we'll wait ontil night," Masongale declared as he rose from his chair and began shav-

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ing tobacco for his pipe. "We'll wait ontil night, fur hit hain't the pri'lege of a orficer to do nothin', no matter whut he knows. He's gotta go an' set awaitin' where the fugitive wuz supposed to be a comin', no matter if he knows the feller caint in reason ever be found there."

Whereupon everyone laughed at him for his fidelity to duty and slapped him on the back and told him he was a true sheriff. Then they went out to the corral to sit in the shade of the granary and wait for the return of the men who had gone off to find and bring back Burns.

Now they sat down out there together in the best of good humor; albeit the Colonel knew the hour was coming when grief for the loss of Burns would assail him. But it was not long until there happened a thing that set them all at loggerheads.

Berdan, with a sly wink at the others, asked of Chaves: "Frank, what makes ye take such a almighty keen intrust in this feller Burns, all at onct?"

Now, since the time Warwick had come to the plains, twenty odd years ago, Chaves had been his right-hand man. The things which Chaves was reputed to have done in the matter of driving away settlers would have filled a very large and gloomy volume. Large, because the acts were numberless; gloomy, because they revealed a Machiavelian subtlety that had, wherever directed,

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brought about either a settler's ruin or a settler's death. Wherefore, Chaves scowled at the question and the questioner for a long time. Then he said dryly: "Because I have taken a fancy to him."

Now, when the Colonel came to think of it, he, too, wondered at this. He looked at Chaves questioningly; but the manager of the *Circle Heart* appeared the same great and sinister man he had always appeared; and across the field of the Colonel's too ready imagination there swept a swift array of little things and big things, too, which filled his mind with doubt. Suddenly he felt himself responsible for Burns' attitude toward the settlers; might this not be after all some deep-laid plot on the part of Chaves and Warwick to undermine him? The thought of it aroused a sudden overmastering fear. Yielding to it, he called Berdan aside: "Why does Chaves take the part of Burns?" he asked.

Berdan winked slyly, put his forefinger on the Colonel's chest and whispered: "They tell me that Warwick has papers a showin' that this Burns is Chaves' son. They are a mighty deep lot, the hull three of 'em; they are."

The Colonel reflected on what Chaves had said the night before and he saw it at one angle. Chaves' words sounded, now he thought, like the words of a father who feared for a son; he remembered that he had been called a simpleton

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and a mountebank, playing in the role of tragedy; and had been upbraided for presuming to inject his own personality into affairs in which he, as a ranchman, had a ranchman's interest. So he plucked Berdan by the arm and led him to the house and into the big front room, which Nell was dusting. As soon as she saw Berdan, she started to go out.

"Wait," the Colonel checked her; "this man has something to say that you above all should hear."

She looked at Berdan as a child might look upon a reptile, but then as if a sudden resolution had filled her, she went to a chair and sat down.

"Now, Berdan, I wish you to repeat what you said to me out there about Chaves and Burns."

Berdan's bold eyes encountered her for an instant and then fell; his whimsical smile, however, did not desert him and he spoke directly: "Well, Miss, your father asked me why Chaves had takened such a sudden shine to Burns, when ever body knows that Chaves has been Warwick's right bower, joker an' royal flush all through the game agin the settlers, an' Burns o' late has been the only feller to stand out against 'em strong. Everbody knows that Warwick never'll give up — he's got the plains under his thumb with what he owns an' holds mortgages over — but Burns don't stand to lose much. Agin, it's sorter claimed

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that Warwick's got papers in his desk to show that Chaves is this Burns' daddy. Some thinks that's the reason o' Chaves' interest, an' some that it's the reason of Burns a startin' in to burn the Colonel's brands. Fur if he kin git the settlers here down on the Colonel he'll be able to handle 'em like sheep. They say that he was the feller that shot Jed Markell's mule."

Now, when he had finished, Nell rose to her feet and stood poised like some beautiful but terrible creature gathering the strength to slay; but just as her lips opened to hurl forth his condemnation, hatred gave way to scorn and disgust. She turned to her father and asked, chokingly:

"Why would this brute come to say this?"

Berdan answered for himself: "Because I hate to see a feller like yer daddy taken in, Miss, that's why."

"Why would this brute come to say this?" she again demanded imperiously.

"My dear child, you must not talk this way to him. I invited him to come in here and say this, especially for your own benefit. I now believe he speaks the truth."

"You?" she laughed with wild scorn. "You believe it?"

"I do. He tells a straight story and looks you in the eye while he tells it and everything points to the truth of what he says."

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"He may tell it, and all the world may tell it, and all may swear to it, yet I would not believe it. Never, until John himself had told me, and then I would forgive him." And she swept out of the room.

The Colonel of course felt crushed; he had never before received such treatment from his daughter; he thought for a moment of following to reason with her; but, reflecting that time and tears are the best arguments for changing a woman's mind, he signed to Berdan and led the way back to the corral. Chaves and the others were discussing some old-time assassination which Chaves was alleged to have instigated. The Colonel listened for a moment and then plucked Hamilton aside. "What do you think of Chaves?" he asked.

The settler shook his head dubiously; the reputation of Chaves was bad.

"Do you think," the Colonel persisted, "that Chaves would have quit Warwick for any good reason? And if he had wouldn't Warwick know it; and if he did, would Chaves be kept on as manager of the *Circle Heart?*"

"It's a strange thing," Hamilton finally answered.

"I doubt Burns after all." The Colonel spoke, encouraged at the answer.

"Then, sir," old Hamilton answered with rising

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emotion; "you are just the very fool I figgered you wuz."

And while this was taking place, Masongale was upbraiding Berdan for making trouble in a place where, according to his ideas of an officer's duty, they must spend the day. Berdan replied with sharp wit that an officer who would spend a day sitting in a corral so that he might go back to the court and claim fees for a day's work, really had little right to quarrel with a deputy, who might, if it suited him, inform the judge just what they had done. The other deputy, whose name was Horner and who like Masongale and Berdan off duty, was merely a cowboy, distrusted everybody and said nothing to anyone because he had nothing in common with anyone. Wherefore, the forenoon that had begun so auspiciously for good fellowship, passed with a deepening distrust. The situation seemed pregnant with trouble.

Noon came and dinner was ready. They walked down to the house abreast, as if each man feared to turn from a narrow and close watch upon his neighbor. At the table nothing was said. When they had eaten they filed together toward the corral. Just as they were entering it, Chave's boot tipped up one of the bars which had been flung down upon another. Berdan's toe caught on this and he plunged forward on his face. As he lay he drew a pistol and swinging his arm in

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a circle, fired at Chaves. But his elbow, in striking the ground, spoiled his aim so that the ball went wild. He cringed like a wolf in a trap, for Chaves had covered him and seemed about to shoot. But with a scornful laugh the gigantic master of the moment lowered his arm, and as he did so said: "I ought to shoot you, you cowardly hound; but Masongale's law would send me to the penitentiary and I can't afford to go until I have settled some other things with a bigger dog than you."

Each thought what he might as explanation for this mercy; Chaves had hardly explained, but no one questioned him. Again they were seated and silently watching one the other.

The sun came down upon them now and with one accord they moved to the other side of the granary. There they sat as before.

About five o'clock in the afternoon, Masongale got to his feet and observed that it was time to be going. He stepped over the bars into the corral and was just in the act of catching his horse when he heard someone ride up along the far side. Looking there, he saw the head of Burns above the walls of the enclosure. The sheriff ran back to his deputies and shouted, "He's comin'." Then, pistol in hand, he ran on round to confront this man who had come so unexpectedly.

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The others followed, but stopped when they came in sight of the cowboy.

"Consider yerse'f under arrest," Masongale bellowed.

Burns, whose face was haggard and worn as if by some heavy trouble, smiled grimly down and said, "Read me your warrant."

Masongale got the document from his pocket and began reading it; some of the words he spelled out and pronounced, others he spelled and did not try to pronounce at all, and others he neglected altogether; but somehow he got through it, as a horse gets through a long mud hole. Then he asked, "You acknowledge service?"

"Of course; I have heard you," Burns answered as he stared at the others. "But I never thought I'd be arrested on such a charge as that."

"Somethin' a little desperater than that, hey?" Berdan interrogated with unexpected quickness.

But before Burns' retort had fallen Nell's voice came from behind him: "Oh, where have you been? Have you seen young Hamilton?"

There was entreaty in her tones and he thought it was prompted by fear for the man about whom she had asked, so he turned coldly on her and answered in measured words, "I have not seen him."

She tried to make him understand what she

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could not say before the others, but his eyes were bent away. She came nearer, persisting, "Then you did not see him."

"I neither saw nor heard of him."

"Oh, I am glad," she said.

He turned away gloomily. Then for the first time seeing Chaves, he called: "I couldn't get word to you yesterday, as I promised. It's all over, anyhow, or will be when this fool arrest is over. You can't help me now; it's too late."

"For the love of God, John, turn round and speak to that girl. Don't misunderstand her."

Burns turned, but she was gone, fleeing toward the house, swiftly as she had fled down the trail from the rim rocks.

He turned again to Chaves, caught the big man's look and understood. "Then I'll go to her," he said eagerly, running round his horse.

"Halt," said Masongale; "you air under arrest."

"And I forbid you allowing him to enter my house for any purpose," the Colonel cried.

"Then I'll go anyhow." Burns swung his horse clear and pricked him with the spurs. "Halt!" Masongale yelled, "or I'll shoot you off your horse." And as he called he drew a weapon and aimed with deliberate care.

"Stop, John!" Chaves' voice came with sharp

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warning. "Stop, or the fool will. Stop, for your life! Stop!"

And at this John turned.

"Now," the sheriff wobbled swiftly forward and caught his prisoner by the leg. "Now, Joe, you bring my hoss whilst I hold 'im. Fur as a orficer hit's my duty to pervent a ruction."

In a trice Berdan and Horner ran back into the corral, where, having hastily bridled their own horses and that of their chief, they mounted and led his to him.

"Now gimme yer irons," he commanded Burns.

The captive passed down a pair of long, blue-barreled six-shooters. Masongale passed them in turn to Berdan and then hoisting himself into the saddle with a grunt, called "So long," to those on the ground; "Here we go," to those on horseback, and the posse and the prisoner rode away.

But barely had they disappeared beyond the sky line where the trail cut through the rim rock to the plains, when suddenly — as if it might be Burns himself escaping — a horseman came spurring wildly back. Down the winding trail he urged his horse at headlong speed, and lifting his hand from time to time, woke the whole canyon with his pistol fire. And above the bellowing echoes of hoof and shot his voice rose continually

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in a piercing yell. At the foot of the declivity he gained speed, and yet, unsatisfied, sent forth his alarms with greater vehemence. Perceiving the three who had just quitted the scene of the arrest, he dashed straight toward them, and then reining his horse just as he seemed about to ride them down, pointed back whence he had come and cried hoarsely: "Gether the men! Gether the men! Hamilton's murdered an' they're layin' hit to John."

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CHAPTER VII

SHORTY intended doing just what he said. In his young mind it was the proper thing to shoot off a few deputies and the sheriff, set Burns free, and then run or fight —whichever seemed expedient.

Now, had the *Double K* cowboys been gathered at the headquarters when he came whirling down the trail, there is little doubt but that, obeying his wild example and their love of Burns, they would have saddled and begun pursuit. However, the nearest of those returning from the errand of the previous evening were at that moment some two or three miles away. Wherefore only older and colder blood leaped at his words, while older and more experienced heads passed on his plan.

The Colonel, hugging the statements of Berdan, caught instantly at a new suspicion, for he exclaimed: "Why, then, you must think he is guilty or there would be no need of this."

"Boy," said Chaves with the kindliness that had enabled him to hold under authority those wild spirits which the needs of the *Circle Heart* had kept upon his pay roll; "boy, it is a brave plan, but don't you think it would be better to wait

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awhile? Let's stave off anything but getting witnesses to prove his innocence; we can do that maybe. But if at the last minute we see we're bound to fail, then we can go and fight for him just as well as now." He paused as if struck by the force of the idea, and then in soliloquy went on: "Yes, if it comes to that, we will. We will."

And now old man Hamilton, who had taken no part in the conversation, pushed up close and with shaking voice demanded: "Where did they find the — the body of my boy?"

As he put the question, Nell, having heard the cries and shots and having perceived Shorty as the author of them, came hurriedly.

"Oh," the boy replied, "they found him in a buffalo waller jist about half way between Bob Gordon's line camp and the county seat, about a mile this side o' the *Circle Heart* fence line."

"And who found him?" the old father went on tremulously.

"Gunther, the feller that wuz outside fur the *Circles* when he rounded up.

"And when was this?"

"This mornin' early. Gunther come to Bob's camp 'bout noon an' told us of hit."

"And what makes ye think they'll lay it onto Burns?"

Shorty, believing that Burns had killed Hamil-

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ton, hesitated in his answer. Then with a furtive glance at Nell and a wink at Chaves he replied: "I reckon 'cause they want to stick 'im."

"Well," the old man's voice was firm, but dull and dry, "I must go and break this to mother. And if" — he looked from one to the other of the three men — "if — if — ye c'd he'p me git a coffin — I'll pay ye fur the trouble, too — I'd be obleeged to ye. This sorter makes me he'pless er I wouldn't bother ye."

"I'll see to that for you," Chaves volunteered.

The settler turned toward the corral for his horse. Shorty called after him, "Gunther allowed the inquest would be at noon to-morrer."

"The inquest?" He turned back and faced them, his countenance set like iron. "The inquest? Then the shame must all come out." And mechanically getting his horse he rode past with averted face.

Chaves put his hand caressingly on Shorty's knee and whispered: "Boy, get down and take the girl and tell her what you think. She's dying to know it all. Tell her the truth, whatever it may be, and then come back, for I am anxious, too."

Obediently dismounting, the boy said to her: "Come on, Nell. Come; whut I gotta say now is fur no one but jist you." And he took the hand she held out and led her to the house. They

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seated themselves on the stoop at the front door, where he recited: "John come straight to Bob's camp the day he left here an' he said he wuz goin' to gether his little bunch o' cattle an' sell 'em. Then 'e would strike fur Mexico or Arizone. I reckon whilst 'e wuz rovin' round a huntin' of calves up there 'e run acrost this Hamilton — fur Hamilton went up an' swore the warrant out, ye know — rightly they couldn't a missed each other. I reckon that they met an' fought jist as they would have down there at the river when ye had me stop 'em."

She was silent, so he turned to look at her. She sat drooping forward with eyes bent on the ground; but her face revealed hurt and surprise. Such an attitude and such an expression he had seen but once before. That was in the last moments of Bill McCann as he sat dying from a knife thrust in the back, inflicted by a partner and a trusted friend. The boy wonderingly sought to cheer her. "Don't worry, Nell; we'll swear 'im off, an' if that don't go, we'll git 'im back by force."

A ray of hope lighted her countenance now; she turned to ask, "Do you believe John killed him?"

His amazement was greater than ever. "Well, say, who had any better right than John?"

"Then he told you that he and I had quar-

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reled?" And the color that had left her cheek surgingly returned.

"You an' him had quarreled? The dickens! What are you a talkin' about, Nell?"

For an instant gratitude rose in her eyes, but it fell before a sudden and intense eagerness. She made no answer, but turning, gazed up where the trail cut through the rim rocks, now gilded and glorified in the last level beams of sunshine. Then the glow went out. And as it faded, the eagerness in her eyes faded, too.

"Why, Nell! Say, what's the matter?"

Slowly she put out her hand and taking his, fondled it, while her voice was pleading: "Shorty, dear boy, you will always be a little brother to me. Always you have been, but I did love him. Listen; you must not throw yourself away for him. He lied to me before he went away and then he lied again when he came back. I asked him myself if he had seen the man he murdered and he answered me with a frown I didn't understand then, but that I do now, that he had not. I repeated the question and he denied it again. You are not going to follow him to help him now."

The cowboy, with the helpless look of the betrayed, sought to adjust all this. Then as if he had suddenly disowned regard for her he declared: "Whut's got into you, I don't know, an'

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it's little I care. Whut are you to come to me about John Burns. Ye loved him, eh? Ye never knowed the meanin' o' that. Ef ye had they'd a never been no quarrel ye claim they wuz. They couldn't a been. Don't I know 'im? Ain't he that one that picked me up away from gipsies up at Dodge years an' years ago, when he himse'f wuz nothin' but a starvin', homeless kid? Whut made 'im do that? Ye don't know. Hit ain't in ye to know. You that can turn on 'im. Mind ye whut 'e said to the Colonel when ye come a drivin' up that day? Ast nothin' fur 'imself, but jist a place fur me to stay till he'd come back an' pay yer outfit fur my keep? Ye don't know why he rode the Palo Duro stompede to save yer daddy that like a fool had camped agin the brink o' the gulch? Naw, ye don't know. I hain't much, Miss, but, anyhow, I'm this: when I pertend to love a feller I'll stay with 'im to the very end." Madness now seized him, and like the boy he was, he sobbed: "It wouldn't make no difference to me whut 'e done — ye couldn't name it that'd make me quit 'im — I'd stay with 'im to the very aidge o' hell an' then go in an' take 'is place."

Then through his tears he saw her pride and anger fall. Whereat, since his own heart quaked before her misery and his mind went blank as to the reason, he ran to the corral. There Chaves, the Colonel and six of the cowboys, just arrived,

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were talking. He did not stop or speak to any of them, but hurried on to the horse pasture, where, presently finding a little band of animals that were fresh with a day's rest, he drove them back into the corral. As he put up the bars, his fellows came to inquire what he was about.

"Ever one's turned against John here. The Colonel's quit 'im. Nell's quit 'im. Ever one but me an' Chaves, an' Chaves is a fool an' wants to wait. I'm a goin' myse'f to-night an' git 'im free er else die a tryin'."

Now it so happened that of these six boys, not one but worshipped Burns — as usually happens when boys do the work of men in lonely and dangerous pursuits under a boss who is kind to them — moreover, they regarded Shorty as a most wise and worthy leader. So without a word each dragged his saddle from the wall, took off his rope, and having caught a horse, blanketed, cinched and bridled him, and then mounting all together, they rode out with a mighty whoop and galloped away. Once on the plains they fell into regular order, Shorty and Dick McCann at the head, Pecos and Charley next and Tom Gordon — younger brother to Bob at the line camp — Little Turk and Saxton bringing up the rear.

"Whut's the use," Shorty was saying, "o' stayin' on the side o' whut they call law, when even the best of 'em, like Miss Nell and the Colonel,

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throws a man down the minute trouble hits 'im?" Wherefore, since all the others agreed that there was no use whatever in it, they at once dismissed the question of duty and took up the more practical one of method for the moment of attack. By riding hard they could reach the county seat an hour after sunrise. If they could overtake the posse, the matter would be very simple. Shorty and Dick McCann would ride without a sound or a word of warning up behind Masongale and Berdan and shoot them to death. They would have nothing to fear from Horner. But of course if the officers reached the county seat it would be a different affair. It was determined to let circumstances govern their course.

Boys that they were, they could contemplate with equanimity the death, or the outlawry that would inevitably end in death, which surely awaited them as the result of the deed they had projected. Wherefore they could whistle and crack jokes and sing; and often they would sing — as they trotted briskly on — a very mournful and bloody lay which through many verses set forth the vicissitudes of one Tom Haxie, the refrain whereof ran as follows:

"O, gimme my pistils, partner,
They's a ranger at the door,
Don't let 'im take me livin',
Me, he'pless 'ith wounds on the floor."

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And after each roaring unison of this, they would sing some comic song of the Dan Tucker variety.

They really meant business.

Now, it never occurred to them what Burns himself might think of the proceeding. They regarded him as altogether lost. It would have been quite laughable but for just one thing, and that was this: the valor of boys is the most desperate known.

Now, Chaves knew that. He had seen a regiment of lads, few of them as old by a year as their enlistment papers showed, lead one of the wildest charges of the Civil War; and again he had seen and had known countless "bad men," and he had known them all for mere boys. When he heard their whoop at departure he got to horse without delay.

When he had ridden about nineteen or twenty miles from the ranch he heard the refrain of Tom Haxie's Lament; after that he spurred on until he came up with them.

"I thought I'd have a hand in the fun," he said as he drew up alongside Shorty.

Now, while the young leader was well satisfied that the world should approve him, he was very suspicious of any individual who would do so. No candidate for anything in the gift of another was ever more sharply interrogated than was

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Chaves; likewise, perhaps, no candidate was ever better recommended by his own answers. After a long parley he was permitted to join the expedition.

"And now," he asked, with the proper humbleness of the newest recruit, "I suppose we are going straight to the county seat?"

The commander commended his sagacity.

Chaves dropped to the rear. He had just one hope; this was that by the time they reached the county seat, Masongale and his posse would have started with the prisoner for the scene of the murder, so as to be present at the inquest.

Wherefore it was perhaps that Saxton lost his saddle blanket, and did not miss it until Chaves began lecturing him about the sin of riding a horse under a naked saddle.

"Well, we can't fool away time lookin' fur hit," Shorty declared, when the matter had been brought to his attention.

"No, that's a fact," Chaves observed; "we can't. A man that hasn't sense enough to watch his blanket should have to ride a sore-backed horse, even if the horse has to carry two, as will probably happen before we all get into the wild bunch on the other side of the Rio Grande."

Now, this speech had a very decided effect upon Shorty. He stopped and wanted to know if Saxton had any idea where the blanket had fallen.

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Saxton had not. But just as they were riding on again, Chaves intimated that he had a scheme worth trying. This, as all great schemes usually are, was very simple. There was some debate before it was adopted, however, and strange to say, Chaves was first in favor of it and then against it. At last they rode back in the wake of Chaves' horse, which he had blindfolded. His theory was that a horse with a blindfold on will always retrace his steps. Now, whether there was anything in the theory or not, it was nevertheless a fact that after they had slowly traveled some two miles, their guide, as if endowed with a sixth sense, for the night was thick, jumped down and in a moment had the missing navajo in his fingers.

Then marveling, they all rode up. It was noticeable after that that Chaves had suddenly risen from newest recruit to confidential adviser of the whole expedition.

Thus it was that he was able to dissuade them from going to Bob Gordon's camp, though each was hungry as a wolf, for not one had eaten supper. He argued with a great show of reasoning that if they approached the camp, they would encounter any strangers who having heard of the murder had come up to wait until the inquest. He cited to them how one famous killing — that of Hy Berdan in '79 — had brought all the peo-

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ple for two hundred miles around. And at last he prevailed on them not only to avoid the camp but also the trail which led from the camp to the county seat.

When day broke they were a good ten miles from the courthouse; then, as sometimes arises directly from bad delays, dissension sprang up. When this threatened to make real trouble; that is, when Saxton had been abused for holding the party — abused until he could stand it no longer — Chaves again took a hand. He won each side to the other by reciting a tale of partners who forgot to work while they quarreled. Afterward, professing a greatly renewed faith in the success of the expedition, he put himself at the head and urged them to follow with all speed. He was sure that Masongale and the prisoner would by this time have taken their departure.

Nevertheless, when they dismounted before the weather-beaten door of the weather-beaten courthouse — it looked like a big gloomy barn that never had known paint — Masongale stuck his head and a rifle out of a window in the second story to notify them and the world in general, that the first man who crossed the threshold below would die very suddenly and very dead.

Instead of heeding this generous and well-meant warning, Shorty flung himself against the door and, breaking it in, stumbled over the debris. Af-

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ter him the six crowded like sheep. Masongale, laboring under the delusion that a fat man can shoot straight down from a waist-high window, pressed his stomach against the sill till he felt his breath going, then he emptied the Winchester into the ground fifteen feet behind them.

Chaves, of course, ran in also and by dint of collaring each of the lads, who were crowding at the stairs, he managed to put himself in the lead.

"Wait here," he thundered, "wait." Then, wondering if Masongale would shoot on sight, he started down the corridor.

The sheriff, who was now searching in his pocket for either a match or cartridges, did not turn until Chaves had time to say: "Tom, for the love of God, bring Burns out and let him talk to these young devils, or the very hell will be to pay."

"Wull, seein' I'm a orficer an' hit's my duty to pervent ructions when I kin, I'll do this much. We'll lead 'im out an' let 'im talk. If they won't listen to 'im, then I'll jist shoot him first an' then take whut's left to me from them an' you." And crossing to the door, which opened into a room wherein an iron cage served for a jail, he signed for Chaves to follow him.

Burns, haggard and worn with weariness and grief, sat on the floor, unroused by the racket that had filled the courthouse.

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"John, Shorty and Dicky McCann — a half dozen of your little fire eaters — are here to break the jail. You must come out and talk to them."

The prisoner lifted his pallid face, straightened his shoulders and then lost himself in thought. Mechanically he got to his feet and mechanically he motioned that the door of the cell be opened. Masongale took a key from his pocket and released the bolts.

Burns walked out like a man in a dream. Like a man in a dream, he followed the sheriff and Chaves into the corridor and down its dusty length until he stood facing Shorty and the other would-be rescuers. Even at sight of their faces and at the sound of their voices, which declared all manner of emotion for his plight, and all manner of devotion for him, he did not brighten. Just like a man in a dream, he said: "All this is nonsense. I'd go out of here a fugitive, a skulker and a coward. All but my honor's gone, and that, my friends, not even you shall fool away." And then like a man wakened out of a weakening trance, he turned listlessly away. The boys, tearfully, though half abashed, crowded to his side. Masongale, wrapt in pondering the speech, paid them no attention.

"Boys" — Burns spoke now in generous tones — "I didn't mean to hurt your feelin's. I know how you felt and what you meant and all. After

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all, I thank ye for it; it brings me back to believin' that there is some faith and some friendships that can stand the strain o' life. Ye have renewed me; ye have done more than set me free." He looked into their faces inquiringly, as if to assure himself that they had understood this subtle thing which words so inadequately convey. Then grasping each by the hand to plead with them, "Let me go back; I'd rather be alone awhile."

So they escorted him to the cell and then withdrew into the hallway. Peering round the door as they closed it, they saw him standing very straight and brave and with a smile upon his lips as if he would be cast down no more; but his eyes were glistening with tears.

"He's the strangest feller I ever see," Masongale declared. "Yeah, he is. The hull deal's almighty strange to me. And seein' now he's quiled ye down an' I kin count on ye, I deputize ye by the bunch right here. Hol' up yer han's an' swear yerse'ves." Wonderingly they held up their hands, acknowledging the oath he repeated.

The sheriff filled his pipe, lighted it, and explained: "When we got hyar 'bout sun up, the judge he takened Joe Berdan an' Horner away from me an' lit out fur the inquest. Hit didn't 'pear to make no dif'rence to 'im that this prizner wuz li'ble to be took away frum me, either by a mob o' nesters that might hang 'im, er a mob o'

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his friends that would a aimed to set 'im free. Now, whut d'ye make o' that?"

No one made anything of it. The sheriff puffed steadily for a period of five minutes and then gazing through the cloud of smoke, until his round little eyes seemed to bore holes in his audience, he delivered this rather startling opinion: "They wuz a aimin' to git rid of some one." The boys straightened visibly at this and waited. Chaves bent forwárd, his dark eyes alight with sudden comprehension. Then the officer took his pipe out of his mouth and ponderously declared: "They wuz a aimin' to git rid of me at the inquest. That wuz hit. They would a been two dollars more fees fur me if I had a got to a gone."

At this everyone laughed, Chaves fairly roaring. When he had recovered sufficient gravity he recommended: "Well, since you have deputies enough now, and since the prisoner will be an interested party, why not all of us go and take him along."

"No need o' takin' him. I'll depitize three of 'em to stay an' guard 'im, though, whilst the rest of us light out."

"If you don't take the prisoner," Chaves shot a warning look at the young deputies, "there won't be one of us stay. But if you'll take him

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along, we'll all turn over our fees to you. How about that?"

Masongale smoked steadily until his pipe went out. "By Jingus, that'll be a master stroke. Git the hosses."

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CHAPTER VIII

ALL the people of the plains, it seemed, had gathered or were gathering at the inquest. By daybreak a dozen wagons, filled with drowsy-eyed men and surrounded by tired horses, formed a hollow square on the east side of the buffalo wallow, near which the body of Ben Hamilton had been found. Over along the west side a score or more men, wrapped in saddle blankets, lay luxuriously on the grass, while their horses, in hobbles, sought a scanty breakfast.

Now the dozen wagons held settlers, while the saddle blankets on the other side of the bare spot contained cowboys. Each party had come to watch the other.

At the south end of the wallow, where a deeply worn path led out into the turfed plain — just on the west brink of this path — sat Berdan and Horner. Beside them a smallish man huddled down into his heavy overcoat until only his derby hat showed above the collar. This last was Judge Smith. The three faced the wagons. Just on their left a white tarpaulin hid from view the object that had brought the gatherings.

The settlers were not settlers from the *Double*

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K pasture at all. They were from the *Z—'s*, the *Bar Link Bars*, the *Bar O's*, and other pastures as far west as the sandy sweeps of the Pecos and as far east as the sand hills of the Arkansas. The word that a ranch manager had slain a settler in cold blood had come to them in their dug outs on the plains or their huts along the Canadian, and they had responded on the instant as to a veritable call to arms. From wherever they had come, cowboys had also come, either voluntarily or advisedly, to protect the institution — that is, the ranching interest — with which they were identified.

At 7:30 there appeared on the horizon in the northwest a man on foot; as he approached they saw him, huge, ragged, unkempt and desperate. A butcher knife dangled from a string at his neck, a pistol handle stuck up out of his boot leg and a long rifle rested in the hollow of his arm. He crossed the wallow directly in front of the group of cowboys, cursing them as he passed. Joining the settlers an instant later, he announced: "My name's Swithen. Me an' my five boys settled in the *Z—* a year ago. The *Z—'s* ketched Jake an' Bill in a canyon one day an' shot 'em to death. They killed Harry an' Jack — he wuz my namesake — killed 'em in the cabin. An' Tom, they murdered him at the last round-up. But they didn't git me if ye hadn't noticed it. Naw, they

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didn't git me. I'm here to denounce 'em. I tell ye, feller citizens, the robbin' rich an' the he'pless pore is a goin' to be the ruination o' this country. Look at me! A ole man, bereft o' all 'is sons! Why? Because a cattle king begrudged us the few acres o' grass the state gives us a right to settle on. Drove from my cabin, I come down to Warwick t'other day to plead with him. I'd heered he wuz the worst o' all the cattle kings, an' bein' driv to complete despair I 'lowed to kill 'im. Whut did 'e do? Sympathized with me fur my loss an' tole me to go an' make my home in the cabin of a settler that had got discouraged in his paster, an' gimme the privilege o' skinnin' the wolf kill an' the winter loss fur half the hides. Warwick's a better man than mebbe you have heered he wuz. That's why I come a walkin' over hyar from my shack. I wanted to tell ye of it."

"Swithen?" a grim fellow in one of the wagons queried. "Yes, I remember hearin' about ye now. Umhu, I heered about ye 'fore ye struck the plains. You an' yer five boys got run out o' Barber County, Kansas, fur wholesale chicken thievin'. I reckon that's how Jake an' Jack an' Bill an' Tom an' Harry happened to git their quietus. You go off in a herd by yersef; we don't want ye round us." And since this speaker was evidently their

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captain, all the men in that wagon got up and yelled, " Git out o' here, you ole thief," whereupon Mr. Swithen, breathing fiery denunciations on the robber rich and contemptuous objurgations on the supine poor, went out into the plain beyond the pale of either party, where he sat down alone — like a pariah or a true reformer — to await the psychological moment.

Presently, from the south, a horseman came at full gallop. He was hatless and his long locks swept backward like the crest of a bird of prey. His mount was thin and bony, his bridle a patch of strings, his saddle but a wreck. Two broad cartridge belts circled his body and the butt of a rifle gleamed in front of either knee. He was small; his face was small; he was grotesquely bent, and yet such was the wild glitter in his eyes, such the fierce smile which played beneath his hooked nose, that he inspired a fear such as a hundred men might not inspire, though they shouted defiance. He ranged past the group at the tarpaulin, and riding into the wallow, halted midway between the settlers and the cowboys. His eyes roved from one to the other for an instant, then his hands moved imperceptibly. A cartridge plucked from his belt flew high in the air above his head, its brass cylinder glinting brightly in the sun; there was a roar and puff of smoke seemingly from his pommel and the cartridge in the

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air vanished. Then he threw up a claw-like hand and cried raucously: "Whoever ye are, I'll git ye." He took a bit of stick with a swab of rag from his belt, began cleaning the barrel of his pistol and, looking neither to the right nor to the left, rode away into the mirages which now were rising all around.

Each party fell at once into whispered discussion of him. He was Frank Marmon. A year ago, with his wife and baby daughter, he had come to the plains and had built a frame house on a section taken under the School law in the *Circle Heart* pasture. Chaves, in pursuance of Warwick's orders, had notified him to leave. But he had only laughed at Chaves. After that for three or four months he had heard no threat. Then one day in December he had taken his wife and child in a wagon to Station Ten for supplies. Night and a norther met him as he was returning, and the night deepened while the norther rose to a blizzard. When at last he drove with his half-frozen family to the place where home had been, he found only a heap of embers fast dying in the storm. He could go no further. So he got down and killed his horses. In the lee of their carcasses he fed a fire with the woodwork of his wagon. But in spite of all his efforts the baby, and then the wife, perished in the cold. Since that day he had been roving the plains in search

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of his vengeance. He was like a Corsican who seeks the one, but the one unknown, on whom the vendetta must be waged.

But they had hardly stopped talking about him, when in the south, just where he had first appeared, there loomed against the sky line, like a party in pursuit, at least forty mounted men. They came on at a swift gallop. In the lead Warwick and Gunther rode close together. Halting abreast the three men who sat by the tarpaulin, the cattle king got down and giving his bridle reins to Gunther, waved the whole party on to the cowboys already gathered.

"Where is the sheriff?" the cattle king demanded in a voice so loud that his words carried to every ear.

Judge Smith, who had roused out of his coat collar already and had thereby merely heightened the suggestion of a species of turtle — for his head was small and flat and set right down between his shoulders — stared unwinkingly at the questioner and solemnly replied: "The sheriff has a prisoner to guard."

Warwick's eyes blazed, his foot stamped, his voice rose yet more sharply and more clearly audible: "It's his duty to be here. It's the right of that prisoner to be here. That prisoner, I understand, is to be accused of this crime. It's a pretty court that ignores the duties of its officers

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and the rights of its subjects after this fashion. As a citizen and a taxpayer, I demand that both the prisoner and the sheriff be brought."

From the cowboys came a vast yell, "Hurrah for Warwick!" From the settlers rose a wild howl, "He wants to cheat the law."

In the silence ensuing, Judge Smith stared from one crowd to the other and then in a subdued voice demanded: "If that is done a posse will be necessary in order to prevent the possibility of violence. Whom is there safe to send?"

The cattle king smiled grimly. "The settlers would hang him. The punchers from all other outfits hate him and hate the *Double K*. Perhaps we had best wait until the *Double K's* arrive. We might send young McGill and six or eight of them; they would make a splendid guard against any violence."

"They would carry him off," the judge roared vehemently.

"Bah! You evidently do not understand the mettle of your sheriff. Imagine a half dozen boys snatching a prisoner from him." With sudden insolence he added: "Besides, Burns would never be led away by them. He knows too much for that. He knows that with the interests of the cattle kings at his back in this case, no matter what his guilt or innocence may be, he will come clear."

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Then at the yell of wrath from the settlers, this leonine champion of his own interests crossed the path and the buffalo wallow. There was something so commanding in his air, so like the bold defiance in his just uttered speech, that the men in the wagons rose to their feet, involuntarily acknowledging his masterfulness. He bestowed upon each man one keen and searching look, but spoke to all: "You perhaps know why you came here. I know why I came. Let us understand each other once and for all. I represent the interests that made this country habitable. You, that which would snatch it away from its rightful owners. You claim to have the law on your side. I believe you have. But I have right, and that is more. I and a half dozen other men in this country drove the Comanches off after even the regular army had laid down. Then when a man could sleep without fear of losing his scalp as soon as the moon went behind a cloud, I and those same men spent fortunes to fence this land. If we had not done those things you would none of you be here and you know it. The Indians would burn your homes and kill the wives and babies for whom you are making homes. Your little bunches of cattle would drift away to the Gulf in the winter storms. Law you may have, but common decency you have not. And now since you have come from a long way off and do not know

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me, I want you to understand that I am against you and all your kind, here and everywhere; and that while as a man and a citizen I respect the law and hold it in high regard, I despise such interlopers as you. I hold you in the contempt that all honorable men hold against any one who stands on legal rights where in all fairness he has no rights."

Now this was a clear statement of the situation, and though it was not a generous one, it met with approval from the settlers. That grim gentleman of influence who had sent Swithen off, got to his feet and in appreciative tone, declared: "You may be the devil, an', from all I hear, ye air. But I'll say one thing fur ye: yer my kind o' man fur friend er enemy. Yer open an' above board. As fur as right an' wrong's concerned, that hain't the pint with us. We got wives an' babies that we gotta make a livin' an' a home fur. That's the nub to it."

Warwick stared gravely and then, dropping his great head, answered: "Yes, yes, that's so. I take it back; it is your position I hate and despise. You, as husbands and fathers, I must honor. We are but men." And turning, he put his hands behind his back and with bowed head and deliberate step went whence he had come.

And they cheered him in forced admiration.

No sooner had he returned to the judge than a

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party of riders — seven of them — appeared in the southeast. These were *Double K* men, led by Colonel March. They halted uncertainly before they came to any group. Whereupon the cowboys from the other side of the wallow jeered them, while the settlers, coached at last by the waiting Swithen, howled insultingly.

And now from every direction horsemen and drivers of teams came dropping in. Line riders from the *Double K;* cowboys from the *Z—;* others from the *Bar Link Bar;* thirty in a body from the *Bar O;* settlers from all pastures nearby, and cattle kings, too. Each as he came sought his own kind and joined his own ranks.

Jed Markell went about retelling for the hundredth time the tragedy that had befallen his mule. Over in the ranks of the cowboys, old Gorman, owner of the *Bar Link Bar,* was cursing Warwick for having induced him to purchase a mortgage on the *Double K.* Each man's auditors were laughing at him. Down by the path and the tarpaulin Berdan and Horner and the judge sat waiting. The latter pulled out his watch and seeing it indicated 10:45, hurriedly dropped it into his pocket, and holding up his hand for silence, shouted: "We will begin an effort to empanel a coroner's jury." No one paid the least attention to him.

As he stood hesitating, someone called, "Here

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comes the sheriff." He looked and was astounded, for Chaves and Masongale were leading a V-shaped group of spurring guards and in the midst rode Burns. Evidently Warwick was astounded, too; he left the cowboys and Gorman instantly. Approaching the judge, he lowered at him and with a sneer demanded: "You have more than second sight; you anticipate my recommendations and obey before you hear them. Or did you understand?"

The judge drew his head down like a turtle rapped on the back, and like a turtle was voiceless.

The posse, riding down the middle of the wallow, halted at the south end, and a hush fell like the hush before a storm. Presently challenges went hurling back and forth. The voice of Swithen, like that of a horn, brayed from among the settlers: "There's the murderin' tool o' the murderin', robbin' gang. That's the man what shot a settler in the back." Suddenly the settlers sprang down from their seats and for the first time they showed overtly just why they had come. The wagons were breastworks against attack on any side.

But just as it seemed that another word must call forth a shot and a shot a volley, Warwick snatched off his hat and rushing up the wallow, stopped in the very center of the line of fire, where

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he stood commanding: "Silence! You fools! The father and the mother of the dead man are coming. Silence." Silence fell.

Presently appeared old man Hamilton and his wife, each sitting on a chair in the back of a wagon; in the front part Martin sat on a coffin and drove the team. The heavy vehicle creaked up along the path, and stopped just opposite the tarpaulin. The driver got down and took away the horses. The settler and his wife — she was bent with grief and her face was veiled — shifted their chairs until these were side by side and facing the tarpaulin. Then the pair sat down together. A murmur of sympathy went up from all sides. The mother winced at this and put a trembling hand upon his shoulder. He put his arm shieldingly around her, and then from lips that were like lips of stone he spoke: "We've come for our dead as soon as ye'll let us have him."

Perhaps Smith did not like the idea of a man and a woman coming into his court and for the moment attracting all attention from him. He pulled out his watch, examined it carefully, and in pompous tones declared: "It's only twenty minutes past eleven. I set the inquest for twelve o'clock. I will begin at twelve."

An angry protest went up at this.

Warwick stepped forward and addressed the judge: "You are beside yourself, sir! Why do

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you want to aggravate the grief of these old people who already have enough to bear? Be a man and call the panel."

The spectators forgot every other thing in their approbation. The judge, amid a pandemonium of groans and cat calls, ordered Masongale to call out the names of men who might serve as jurors.

The sheriff waddled out into the dusty open space and solemnly called six names. The six owners thereof, three from the ranks of the cowboys, three from the ranks of the settlers, stepped out, and holding up their right hands, took the oath which he repeated for them.

The judge, who was — ex-officio — the coroner, led them to the tarpaulin and, removing it, began the examination of the body. This ended, the coffin was handed down from the wagon and the dead was put into it.

"Now," said the judge, with a show of kindness, "you have what you wanted; you can go."

"We'll hear the findin' first," the old man answered grimly. Whereupon the judge shot a keen glance at him and turned swiftly to the jury. After a proper deliberation he read the verdict. The substance of this was that the dead body of Ben Hamilton had been discovered half buried in the path at their feet on the previous morning. Three gun shot wounds, evidently from a pistol held almost against the back of the head, had produced

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death. From many circumstances just preceding the murder, the jury had deduced the fact that John Burns had sufficient motive for the deed. They recommended that the said John Burns be duly arraigned for a preliminary hearing. "And since," the judge went on after he had finished reading, "this suspect is here in custody, on another charge, and since public interest in the case is greatly aroused, I have determined to hold the preliminary trial right here and right now. If the prisoner is innocent he will be freed at once. If not he will be taken back to jail and held to the term of criminal court. If —"

"Freed at once?" Chaves demanded sharply. "Freed at once? Ho! then the arrest for burning brands was just an excuse you had for dragging him off yesterday, so that you might be sure to have him here to-day?" And as he spoke he crowded forward until he towered menacingly above the judge.

Masongale, who felt the burden of duty upon him, lurched between the two; and then, to relieve himself of further strain, explained: "I reckon Chaves knows that the court didn't want the prizner. That the prizner would a never been here if hit had a laid with the court. I done that. That is, I fetched 'im, after Chaves an' his bunch come to take 'im away from me, an' I up an' depitized 'em. That is, I did after the prizner quiled

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'em down, an' said 'e wouldn't go off with 'em, nohow."

"What's this?" the judge thundered.

"Whut I'm a tellin' ye." Masongale was getting very red in the face. "Jist whut I'm a tellin' ye."

"Then arrest those men instantly."

"Whut fur?"

"For coming in a mob to break the jail."

"I never said they done that."

"No, but they did."

"Wuz ye a watchin', judge? An' ef ye wuz, whut the devil did ye mean by not a comin' back to he'p me? An' if ye jist suspicion it, whut made ye leave me alone to fight 'em fur?"

From all sides men elbowed in to listen. Many suspicioned the judge, and as if the knowledge of this fact oppressed him, he dropped his head and seemed actually trying to drag it down between his shoulders clear out of sight.

"He's crooked," some one yelled. "Whose man is he?" another demanded. As if in answer to this Warwick crowded past Chaves and called: "My manager is over-zealous in some things sometimes. While you settlers must not forget what I told you an hour or so ago, you must also understand that Chaves and I would have no quarrel with this judge if the judge had wit enough to

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stand for anything. If he had, we would make it to his interest to stand for us."

A cheer went up for Warwick at this frank declaration for bribery and a howl of contempt rose for the judge at the statement of his stupidity.

"Men," the voice of Chaves roared angrily, "Warwick lies. I stand for John Burns and he is against him. You all know why. Warwick and I have parted company forever."

"Jist as ye did the time Marmon's house wuz burned," Jed Markell called sharply. A guffaw of contempt for Chaves went up at this. Warwick, crowding close, slapped him on the back and jovially smiled round as if to say he didn't have the face to brazen it out like Chaves.

Down from the north end of the wallow at that juncture, Marmon, the madman came. Again he threw a cartridge into the air and conjured it out of sight with the roaring magic of his pistol. Then, when all eyes had been turned on him, he called: "Whoever ye are, I'll git ye." He rode on past the thick of the crowd, where Chaves and Warwick were standing, but suddenly looking back over his shoulder into the face of each, he threatened them in a voice of direful patience: "One er the other of ye knows. One er the other."

Now, neither the one nor the other blanched or

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betokened in any way the slightest emotion. Each face was grim as a gambler's. Perhaps it was their wonderful duplication in this crucial moment which led an observing one to call out ironically: "Naw, they don't act like pardners, do they now?"

The judge elbowed his way out of the crowd and commanded: "Mr. Sheriff, call a panel for a preliminary trial, as the coroner's verdict has recommended."

The panel was soon filled. The twelve men were told to sit down on the ground in the angle formed by the path and the wallow. The judge then called Gunther and, having sworn him, had him testify to the finding of the body.

"All this is illegal," Warwick and Chaves cried out at the same moment.

The howl that went up from the settlers, at this open partnership on the part of the two great enemies, sounded like a battle cry. Whereat, Judge Smith, as if he required some such undoubted proof of his position before he could gain courage to stand upon it unequivocally, roared out: "Let Gunther continue!"

Suddenly a strange stillness fell upon the whole assembly; an inordinate curiosity seemed on the instant to conquer and possess. At last the merits of the case had risen far above all other considerations.

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Gunther, having already testified that he had found the body, now went on to say that near the body he had picked up a navajo saddle blanket.

The blanket was produced. It was put into the hands of Colonel March. He was sworn and questioned. He answered that he had bought this identical red and blue navajo in Fort Worth, some years before, and had presented it to Burns.

On that the execrations which rose everywhere were really terrifying. Some cowboy called out: "March had him do it and now he's throwin' him down." To this a settler made answer: "March is the settler's friend; but he turns on the man he raised."

"One question more," the judge was barely able to command silence; "Colonel March, did this man Burns not threaten the life of Hamilton on the morning before Hamilton disappeared?"

"He did!" the Colonel faltered.

"Hang March!" came the cry from a hundred throats; "hang 'im!"

Warwick interposed; his voice rang sharply: "Cow men, remember your fellows." At that call the cowboys of the *Circle Heart* came running. After them came other ranch riders. At last even the boys from the *Double K* joined the ranks around March and Warwick. The cattle king elbowed his way out and again confronted the settlers. A grim smile played on his lips and a

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cold light gleamed in his cavernous blue eyes, his voice cut like a blade: "You demand courts. You have them. But you shall not mob. Start that cry again and I will answer it with a volley from these guns."

In the pause which fell, a voice so low that it was scarcely audible, yet so filled with the power of despair that it carried to every ear, began: "This has been well played. Warwick, you are a master of your game. I didn't know but what there was some accident in it, but now I see it all." And as the speech ended every eye turned to the prisoner. From his horse he gazed back unseeingly. He spoke again: "Now that all believe me guilty and all believe that what I stood for was a sham, there can be just one result." As if this were well enough indicated without words, he stopped abruptly. But half rising in his stirrups and looking intently into Warwick's face, he demanded in tones that chilled: "Why didn't ye have me shot instead of Hamilton?"

For an instant the leonine face was a blank; but only for an instant, then it became a mask of rage and disappointment. The reply rolled back like thunder: "Now, you young fool, you give it all away. You try to compromise me. Save yourself."

At the conspiracy toward which both their words hinted, the crowd was for a moment awed;

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and Judge Smith seized the opportunity to announce that as a result of the preliminary trial, he would bind the prisoner over to the next term of criminal court and ordered him taken back to the county jail at once.

Masongale summoned Berdan and Horner and, then taking the reins of Burns' horse, led him away at a gallop to the north.

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CHAPTER IX

THE county jail of course was the cell, in that room on the second floor, in the barn-like building which stood alone in the plain. There Burns began that afternoon the routine of prison life. It needs no description for there was nothing distinctive in it. An entire month passed before ever a break came in the dulling monotony. Then one morning, just after he had heard the wagon rumble up with the weekly supply of water from the spring at Bob Gordon's line camp, Masongale, who had quitted the room at sunrise, as was his custom, returned with a letter for the prisoner.

The communication was from Chaves; it set forth the fact that Chaves was an attorney before he had come to Texas; and, that, as such, he was now busily engaged in gathering evidence for Burns' defense. Another month would be required to complete this task. When it was done, the attorney would come up to the jail for a conference with his client. But since Judge Smith would not allow Chaves to enter the courthouse without legal right, a formal appointment should

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be signed by Burns. The bearer would return it to Chaves.

"Another step in the game, I suppose," the prisoner grouchily queried the sheriff.

"Wull, I don't rightly know. But I tell ye whut I would do ef I wuz you. I'd git a holt o' Chaves. This yere court hain't allus jist reglar. Mind how they tried to beat me out o' my fees the day o' the inquest? Well, you go ahead an' have Chaves appinted. Then, after 'e comes, ye'll be able to see which way the wind's a blowin'." Masongale had come to take an interest in his charge, as sheriffs are in the habit of doing.

Burns took the proffered stub of pencil and the bit of paper handed in with it, and signed according to the directions in the letter. The officer took the appointment and hurried out with it.

Now, no sooner had he gone than the man in the cell seated himself on the floor to a renewed contemplation of those gloomy speculations which filled his days and nights. He felt himself merely a bit of wreckage floating on strange waters. It would be a month before he could feel any other way; for only imagination could, until that time, give him ground for thought. No hypothesis based on the solid truth of experience could lead to any conclusion, for the very faith in all experience had been swept away.

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And then suddenly the door flung open to admit Chaves. Haggard and wild-looking, with his face inflamed by drink, he staggered across to the cell. "I had to play it that way. Warwick so balled us up at the inquest that I was afraid you'd suspicion me, if I came direct. I tried to get in last week and the week before that and all along, but they wouldn't let me."

"No?" Burns ejaculated.

"Hit's so." The sheriff who had come corroborated. "I'd a told ye, only the court gimme orders that I dassent. So we figgered up this letter deal."

"Oh!" the prisoner was more at sea than ever.

"I wanted to get in and talk to you about the trial and the evidence, of course," the giant plotter spoke thickly; "but that wasn't all. I've spent a lot of time at the headquarters of the *Double K* the last two weeks, in an effort to get at the reason why you left the ranch. Now why was that?"

Burns stared at him strangely, "What is that to you?"

"To me?" Chaves gasped in surprise. "To me? Why, it's this to me; if I can patch up the trouble between you and that girl I can bring her into court and clear you."

"You're drunk. Go away from me."

"Burns, you may say what you please," Chaves

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pleaded; "but the whole deal's desperate. I'd grab at any straw. They've got a line of evidence that can't be broken unless that girl can break it. What I'm afraid of is that she will go on the stand against you. If she does, there isn't a thing on earth to keep you off the scaffold. They plan to put her on the stand, too. She believes that you are guilty and of course you know what weight a woman's testimony has."

Burns paced the cell in silence for a little while. Then he said: "If that's the truth, then let her go on the stand. Let her testimony be the rope that hangs me. Take that word to her, if you came for word from me. Beg her in my name to go and swear me into the oblivion that can be no worse than life. Tell her," and the irony of his voice was bitterness itself; "tell her that I am sufficiently humbled to beg this trifling act as the last and greatest boon that she could grant."

"Masongale, forget this. Don't speak to a soul of it. This would be bad testimony. He is crazy."

"I will furgit hit, fur I owe it to him, that yer bunch didn't kill me that mornin' here."

"Burns, for God's sake, have a little sense. Listen! The criminal court will be held the first week of October; a little over two months is all we have. Tell me why you left the ranch, so

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that I can have something to start from; send her word. There is no other way to do a thing for you."

Instead of replying to this, the prisoner answered more significantly by his silence. He turned to his corner of the cell and seated himself on the floor.

"Have you no word to send to anyone?" Chaves questioned desperately.

The prisoner got to his feet and coming to the slit in the bars through which the face of the attorney was so earnestly peering, he scanned him with eyes that seemed fairly to burn and in a low, yet terrible voice, he threatened: "Yes, I have this word, if it should ever be that I am free again, I'll take the vengeance of a red Indian on every man that ever did me harm. Take that for yourself and every other man it fits."

At that, Chaves recoiled like a man retreating from a sudden yet evidently expected thrust. Burns called sneeringly to him: "I did mistrust you. Now I know."

For an instant the gigantic frame of Warwick's manager trembled from head to foot, his eyes blinked, his lips moved but were dumb. Finally he found speech: "Some day, this may be understood. Some day." He seemed on the point of saying more; but then, as if he could not utter it, he turned and strode out.

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CHAPTER X

FALL came that year on the plains with an early storm. And the first week of October, that week set for the opening of the criminal court was borne in by a norther, the like of which even Warwick had not seen.

Nevertheless, on Tuesday, though the sky was dark with clouds and the air gray with fine snow, all manner of men made their appearance round the courthouse. There were settlers in wagons, cowboys on horseback and ranchmen in their ambulances or carriages.

At two o'clock Masongale came to the door and after shouting a thrice repeated "Oyez," announced to the eager citizens, who crowded there for protection from the wind, that "Jurors for the regular panel must not keep the court waiting."

The trial of Burns was to be opened at once.

Up in the court room — it was a big room with a raised dais at one end for the judge; a railed-in space just in front of the dais for the lawyers and the jury, and barren of seats everywhere else — all things were in readiness. Judge Smith sat in his chair behind the docket; Judge Killer, the circuit

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attorney, studied the statutes at one of the tables designated for the lawyers; while all the other learned gentlemen of the law from a hundred and fifty miles around, viz.: Judge Morgan, Judge Maxon and Judge Williams, were grouped at another table, looking as wise as they could and as dignified as it is possible for lawyers to look, when they are in court without a case.

The citizenship of the plains fought into the room and filled it. The sheriff, elbowing his way in, began to call the names of the men drawn on the panel for petit jurors. Each answered and coming inside the railing to the nearest vacant chair, quickly dropped himself into it.

Within twenty minutes the jury had been sworn; the case of "Commonwealth vs. John Burns" had been called; and the arguments of the state had been outlined. Then Chaves arose to make an answering statement. He was summarily disbarred, and Judge Maxon, a seedy-looking gentleman, was appointed in his place. The jury answered the challenges and nodded sagely when the court sternly ordered them to try the case on its merits.

Never in the most crowded of city tribunals where only minor offenses are tried, did the law move with greater swiftness than it did in that place that afternoon. A witness was called and sworn and questioned all in a breath. All in a

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breath he answered, apparently just what he was expected to answer.

"Call Miss Nell March," the court at length ordered.

At this, Burns, who hitherto had not looked up from the heavy handcuffs on his wrists, rose from his chair and stared all around the room.

Masongale forced a way through the crowd and after a little while returned to say: "Yer Honor, the witness refuses to come in an' be sworn."

Burns sat down with a look of vague relief on his drawn face. Swithen, that bulky settler who had come strolling over to the inquest to tell of the death of his five sons, was on the jury; he tittered at this and whispered loud enough to be heard a dozen feet away: "Don't need 'er nohow. We kin hang the murderin' villain without any evidence." Warwick crowded inside the railing and mounting the dais, whispered to the judge. Evidently there was important news, for Berdan was instantly beckoned to the platform. The deputy came forward and bent his head for whispered orders. Receiving them, he nodded significantly and returned to his post just behind the prisoner's chair.

At that moment, Chaves, who had loitered within the railing, hurried out into the crowd and through it to the door.

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A sudden hush fell in the room at this. Outside, too, the wind that had been moaning drearily, was for the moment still. There was something portentous in the silence that the judge broke an instant later, by calling in a husky voice: "The attorneys have waived arguments. The evidence is all in. Mr. Sheriff, conduct the jury to the room and see that they have no communication with anyone but yourself, until they have arrived at a verdict."

Men who had watches looked at them. It was twenty minutes past three. In an hour and twenty minutes a man had been tried for his life and his fate put into the hands of his fellows. There was no one in the room who had not expected a speedy trial, and there were few who did not hope for a conviction; but none liked this swiftness. It was suspicious. However, no man spoke to his neighbor; each was wrapt in his desire to see with his own eyes and hear with his own ears all that should pass.

Barely had the door closed on the jury — it was a door at one side of the dais — when a thunderous knocking announced that the sheriff was wanted. He flung back and the jurymen, Swithen at their head, came filing back.

"Gentlemen, have you come to a verdict?" The voice of the judge was quaking but it found its echo in the voice of the rising wind outside.

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"We have, yer Honor," Swithen bellowed. As if in answer to him, a roaring gust shook the building to its foundations.

Yet not a man in the body of the court room stirred or whispered or took his eyes from the judge and the burly foreman of the jury.

"Then, what is your verdict?" The words were barely audible.

"Guilty o' murder in the first degree; jury bein' empowered in the sealed instructions to recommend punishment, has fixed his punishment at death." Swithen's voice rolled heavily. As he concluded, a mightier storm blast than ever roared outside and then settled to a steady gale in which the windows rattled like the beat of calling drums. To that responded instantly the tramp of running feet in the corridor. On the instant, the crowd before the door was flung aside. Chaves, Shorty McGill, Dicky McGann and Bob Gordon with twenty of the *Double K* at their backs, charged in with pistols drawn and cocked.

"Halt!" Warwick's voice rang like a shot. But only death shots would have halted that devoted band. Masongale, mindful of his duty as an officer, lunged across the railed space and stood like a block of iron between his prisoner and the rushing attack.

Burns sprang to his feet and crowding round in front of the sheriff, called to them: "Back!

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Back! All of you, back. I would not go even if you set me free. Back! Back!"

In spite of this they came on clear to the railing. Chaves smashed through the gate, McGill and McGann sprang over and joined him inside. "Back! Back!" Burns again shouted; "the plains can understand it all as well as you can, now. Hold off. If there is right behind the law, I'll be acquitted yet, for I am innocent of any crime. Back for your lives and for my honor, back."

Now as he said this, all but Shorty halted. As a matter of fact, Shorty put up his pistol, but with tears streaming down his cheeks, he crowded closer with outstretched hands. Whether Berdan feared a ruse in this, no man knows. But he sprang in front of Burns and thrusting his six-shooter against McGill's stomach, fired. The boy fell to the floor, writhing in mortal agony.

At that the face of Burns grew white with rage. He lifted his manacled hands high and brought down the iron hasps with all his might upon the coward's head. Blood flew from Berdan's ears, for the blow split and crushed his skull. He fell a corpse.

Masongale lifted his cocked pistol and swept it down scimiter-wise on the head of his prisoner. As it struck it exploded. Burns, his scalp torn by the barrel of the weapon and his senses reel-

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ing under the shock, pitched forward as if dead. All in the court room for the moment believed him shot through the brain.

And now Chaves, who stood for an instant in agonized uncertainty, went mad. His cry was like that of some wild beast goaded to fury. With a terrific blow he crushed Masongale to the floor and then dashing across to the dais where Warwick stood, he cried: "Here to you! Hellion behind it all." And he snatched out his pistol and aimed with deliberate care at Warwick's head.

Old man Hamilton, who at that instant had dashed over the railing, struck aside the weapon just as it cracked. The bullet, grazing Warwick's arm, struck Judge Smith in the chest, killing him instantly. Chaves beat the old man back and cocked his revolver for a second shot.

But before he could take aim again, a dozen reports thundered together. He fell dying.

Warwick, whose cheeks had not paled throughout the whole attack, whose eyes had never once fallen in the face of threat or the flying death that had sought him, lifted his hand and in the voice of one who knows no fear, cried: "People, your courts are shambles. I call on all that this be ended. If my life is required, then take it. But for the sake of common decency, stop your mobbery and murder." His commanding tone

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rather than his words compelled them. His eyes beat down each threatening stare. He spoke on: "The law is no farce. You settlers know it. Where's the home that does not stand because of it? You cowboys know it. Where are your smallest rights when law is gone?" He scorned them now. "You are a grand community. You assemble to punish an assassination. You commit five more. You slay your judge, even when he does your will. Where do you purpose to finish this, and how?" Then in the sudden shuffling of uneasy feet, he heard their abashment. Stepping forward to the very edge of the dais, he threw down among them as a desperate gambler throws his loaded dice—"You who are bound by ties more sacred then the law itself, and who, to protect them, must maintain the law, come here to me. For the wives and the little children of the plains, come here to me."

Forty or fifty settlers, swept first by his command, and then, by their fears for loved ones at home, were compelled to the foot of the dais. They yelled: "Uphold the law. Uphold, uphold."

At that signal of his triumph, all others who had hesitated took up the cry. A cowboy from the *Circle Heart*, and Swithen, at the same instant yelled: "Hurrah for Warwick!" The cheer was raised for him.

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As the echoes died away, Masongale, recovering from his blow, sat up. He blinked stupidly for a moment and then crawled over to the prostrate form of Burns. Having examined the scalp wound of his prisoner, he got to his feet and, with a deliberation that the situation perhaps demanded, proclaimed: "Burns, he wuzn't hurt at all."

For twenty minutes then curiosity reigned supreme. It sought the sheriff's explanations about the easy trigger pull of his pistol; a sight of the wounded man's head; it waited breathlessly for him to rouse, and open his eyes and mouth. It gave Warwick twenty minutes in which to complete his mastery of the situation and render himself secure. Wherever he saw a face of character he caught the owner thereof and pledged him to assist at once in forcing the election of a judge. But with the discernment of a man who knows he can take no chances, he insisted that Williams be elected to the office. Williams had been the choice of the settlers and the fairer-minded cowboys once before, and it had been whispered that only Warwick's frauds had defeated him.

As soon as one of these vote solicitors had received his cue, he went into the crowd, where he began talking. The twenty minutes expired, but in that time the law was born anew. "Williams," every man was shouting.

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Warwick hurried at that call. He jumped back up to the dais and put the question: "All you who wish Judge Williams to succeed to the office of judge for this circuit and for the unexpired term, hold up your right hands."

Apparently everyone wanted Judge Williams. However, he asked for the opposition to show itself if there was any. There was none.

Then Williams, a stoutish man of middle age, strong of feature and winning of manner, mounted the dais. He thanked Warwick after a very courtly fashion and the electors after another fashion, which touched their hearts. Then he went on to outline a course of action for them to follow. First, they should assist in an inquest upon the dead in their midst. After that, they should settle upon some place of burial. When the funerals were over they would return to the regular business of the court. What that business might be he did not indicate.

At the close of that speech, Burns got to his feet and looked around. A cheer rose for him. The judge silenced it with a tactful wave of his hand and instantly began calling for a panel of coroner's jurymen.

The inquest proceeded quickly. When it was completed the findings were announced by the judge: "We have inquired into these deaths with particular care, though each of us and of

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you, was eyewitness to the whole series. The death of Judge Smith, and of Frank Chaves, we have pronounced as mere consequences of riot. This riot was the direct result of the act of a former deputy sheriff of this court. He murdered young McGill in cold blood. The prisoner at this bar, now waiting sentence of death, avenged that murder. In view of all the circumstances, in view of the prisoner's own words preceding, only by an instant, this summary vengeance upon the murderer, we regard the killing of Berdan as one of those unpremeditated acts which, if they constitute murder at all, do so only in a slight degree. Moreover, in view of Berdan's altogether unjustifiable act, in view of what he might have been expected to continue doing, and further, in view of the fact that he was acting as an officer without the consent or authority of the sheriff of this court, we regard him merely as a rioter. In other words, he assumed the station of a deputy after the sheriff had discharged him. Therefore, in the present state of affairs, this prisoner will not be held for the murder of Berdan."

Masongale pushed forward and before the judge could silence him, called in a voice loud enough to be heard by everyone:

"The judge is a givin' it to ye straight. I fired Joe fur a doctorin' the panel o' petit jurymen. I fired 'im, but court wuz goin' on an'

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they kep' me busy a jumpin' around, so he jis' stayed, anyhow. As a orficer, I would a shot 'im ef I had a knowed 'e wuz a goin' to shoot McGill."

People smiled at this. Sentiment had suddenly been swung round in favor of the prisoner. The judge checked an incipient cheer by reminding the cheerers that they were in the presence of death and that this death had come directly of their previous indecorum. But even at that the situation demanded haste — for quarrels were already beginning here and there — wherefore he ordered that the four bodies on the dais be conveyed down stairs and placed in a vacant room. The floor of that room should be torn up. The lumber obtained would be sufficient material for four coffins. If by next day noon no one claimed the dead for burial, the funerals of the unclaimed should take place in the corridor below, at one o'clock, and the interments along the east wall immediately afterward.

And then in tones more solemn than the chanting of the storm outside and in words more somber than the fast-falling night, he conjured them to keep the peace.

But, as if to make assurance sure, he called fifty men, whom he swore to duty as special officers. Killer, the district attorney, arose and in the name of the state authorized them to act as substitute rangers, with powers of discretion on

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the spot. They might make arrests or they might simply judge and execute, even to the infliction of death, just as they saw fit.

In a word, that bloody day on the plains closed under martial law.

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CHAPTER XI

A BLIZZARD shut the courthouse in next day. The outer world was obscured at noon as effectually as it could ever be at midnight. Because of this, perhaps, Colonel March did not ask for the body of Shorty McGill. So, since none of the dead had been claimed, the judge came out of the room where he had spent the night and the forenoon and began the funeral ceremonies.

First, he announced that the nearest friend should set forth a short account of the life of the dead. He called for some one to say a word for Judge Smith. Everyone waited, but it seemed there was no friend. He called for the confidant of Berdan to speak. No one came forward. He requested a word on behalf of Chaves. A dozen men cleared their throats, but all hesitated. Some one called the name of Warwick. The cattle king stepped forward, and with an air of quiet grief, said simply: "Frank Chaves was my friend. I knew him only and I know of him only since the day he came into my employment, twelve years ago, in Dodge City." He paused as if the memories conjured up were too much for him.

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Then with deep emotion he said: "There is a verse from Burns which, while it covers more than perhaps appears in this, seems at least to me the fittest recommendation:

"'Then gently scan your brother man,
Still gentler sister woman;
Though they may gang a kennin' wrang,
To step aside is human.'

"One point must still be greatly dark.— The poet does not say what that one point is. Nor shall I attempt it in this case. He was great, he was brave, he died for something we do not understand. Let others judge him. I will not." And he bowed deeply as he stepped back into the crowd.

The impression this made was profound; the immortal words of the poet struck home in many a heart, for the most of those present were simple-hearted; and the charity of the man who could say these words over the body of one who had only a few hours before sought his life carried itself irresistibly. Not only for the dead, but for the living as well, charity began to be felt.

Wherefore, when Colonel March stood out to speak of Shorty, but could not speak, because his voice broke, a sudden sorrow swept all. No man openly shed tears, however. If he did, he laid it to the pipe or the cigarette of his neighbor or

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to the draughts of cold air that swept through the corridor. Neither did any man voice his grief; rather he swore softly at nothing in particular or at something altogether inapropos.

Judge Williams read the deceptive signs aright, and being a wise man, ordered the coffins carried out to the graves and placed therein. There, though the cold cut like a knife and the wind drove the snow in clouds around them, the plainsmen stood with bared heads while he read a burial service. When the graves were filled he led them in the singing of a hymn.

At the last note he turned slowly into the door and marched with measured tread to the foot of the stairs. The assembly broke up at this, just as he had counted it would break up. That is, more than half the men who had stood out there singing in the storm felt something of the deep significance of death; these, after debating for a moment, started off to find their horses, so that they might get back quickly to the homes where they might be needed now. But the other half of the crowd, after hesitating, determined to stay. It entered the building, emulating the solemn decorum of the judge.

When they entered the court room he was sitting behind the docket deep in conversation with Killer. But no sooner had they disposed themselves than he rose and addressed them: "My

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friends and fellows, I have determined to discharge the special officers sworn in yesterday. Not because they have failed in any way, but because they have performed their duty so well that now no need of them exists. Since many of you have a long way to go to your homes, yet have a strong desire to know the outcome of the business which attracted you to this place, I will inform you that, while as a judge I am bound by the previous acts of this court, I am bound equally by the laws. These furnish the sole reason for the existence of courts. Therefore, in pursuance of my duties as I now conceive them, I shall send this prisoner away to a place of safe keeping. I could not legally grant him a new trial. Likewise, I am unable to ignore the verdict brought against him yesterday. To-morrow morning I shall formally pass sentence on him; but, while so doing, I shall permit Judge Morgan to file an appeal from the action of this court in its procuration of this verdict." He hesitated like a man who fears he may say too much and then concluded: "My reason for not setting aside this verdict and ordering a new trial forthwith must be apparent to you all. The forces which yesterday placed me in the position I now occupy observed no law in the matter of elections as provided by the state. In short, whatever is done by me can, according to law, be undone. It will require a month for the legis-

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lature to canvass my election. My commission may not be granted. I therefore deem it wise, and the nearest approximation of the law, to do as I have explained. You are welcome to remain here as long as you desire. But for your own good and for the good of the entire community, it is my earnest wish that you should return immediately to your homes."

Now, there was a frankness in his glance and in his tones that concealed a very obvious lack of frankness in his words. But the greater number of those in the room were cowboys; they believed he would do just what he had said, and, believing this, the majority filed slowly out, approving him for his caution.

There remained at last only six of the crowd: Warwick, Colonel March, old man Hamilton, Gunther, the *Circle Heart* cowboy, Swithen, the foreman of the jury, and Martin. The judge came out from behind the railing and, beckoning Colonel March, passed with him through the doorway and down the stairs. At a door on the floor below they knocked. The Colonel's sister, Aunt Hattie, admitted them, and from the window on the other side of the room, Nell March turned round and bowed recognition. Her cheeks were white as the snow that swirled outside.

The Colonel drew three chairs up to the sheet-iron stove; nodding for Nell to take one, he took

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another himself and assigned the third to the judge.

"Miss March," the magistrate began, "your father informs me that you came up here to be a witness for the State, but that just before you were called to testify you suddenly refused to take the stand at all. You have been told what followed. Immediately the sheriff came into court with the information that you refused to be sworn, the judge sent the case to the jury. That circumstance, along with many others of a similarly dubious character, needs explanation. As an officer, I demand to know why you refused to give your testimony?"

She opened her mouth as if to speak, but was silent. For a long time, plunged in a profound reverie, she seemed to have forgotten his question.

"This is a matter of urgent need, young lady," he spoke with some impatience.

"I — I," she faltered, "I never promised to be a witness. My father wished me to be, but I refused all along until I had thought it out. Then when I was willing to go they would not let me."

"What? Who would not let you?"

She nodded her head toward Aunt Hattie. The older woman stared severely at the judge and explained: "She was unwilling to testify as long as she thought her evidence might damage him,

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But after she had reasoned out an excuse for him, then she wanted to be sworn."

"Did you answer the sheriff for her, then, that she was unwilling to be sworn, when he came to call her?"

"I certainly did. My brother ordered me to do so."

He turned to the Colonel in amazement. "Sir, am I to understand that you were unwilling for her to appear, unless she would swear to what you wished?"

The Colonel bent his eyes to the floor, but after a moment's struggle, answered stiffly: "All that she could have sworn to would have been merely her beliefs; not facts at all. I did not want her to compromise herself by displaying an — an — attachment for a murderer."

The judge got to his feet and paced the floor in long strides. He pulled out his watch and without looking at it shut it up with a snap and with a stare of utter contempt at the Colonel, addressed him: "You, sir, if my commission as judge is confirmed, will be haled into my court as a suppressor of evidence. If you do not know what that means, understand it is the same as a briber or an intimidator." He studied Nell's face; her cheeks had tinged now with pale color. His voice was gentle as he asked: "Do you believe this

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prisoner guilty of the crime for which he has been convicted?"

"No!" she answered hastily; "no."

There was something so kindly in his manner now that all doubt of his motive was disarmed. "Then why do you believe him innocent, if I may ask?" He inclined his head and turned his eyes away. "I ask this only for my guidance in the affairs of this unfortunate man."

She displayed a grateful look, which he did not see, and then, waiting until he glanced up again, she met and held his eyes while she answered: "Because he told me with his own lips that he had not seen Hamilton while he was away."

Again he inclined his head and bent his gaze and more gently than ever he interrogated: "But at first you believed he had denied a fact when he told you that, did you not?"

"You need not be kind to me," she said in a hard tone; "I deserve no kindness from anyone. It was all my fault. I sent him away. He went because I made him believe that I was in love with Hamilton. I was — I was not. I never was. I know now that he never saw that man. If he had seen him he would not have killed him. Oh, they filled my ears with lies. They claimed that he and Chaves and Warwick had formed a conspiracy together."

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"I understand now. I think I understand. And now I shall make no effort to reconcile your father to what I have to say. By his act he has put himself beyond my regard in this. You shall be the judge. Shall I go to the prisoner and say to him — or better still — will you go to him now, and tell him this?"

The Colonel interposed: "By what right, sir, do you presume to suggest this outrageous piece of business?"

"By the good right," the judge answered sternly, "of plain humanity and the better right of law. This prisoner will soon be taken far away. All who were his friends, all whom he trusted to the last, are dead or gone away. Sir, it would be but irony to let him go without communication with his friends. Imagine, if you can, if you had been the victim of inscrutable circumstance as he has been, what you would feel at this time."

And then as the Colonel fell back into his chair, Nell rose from hers and clasping her hands in entreaty, begged: "Oh, let me go. Please let me go to him."

The judge smiled kindly; then he was gravely rhetorical as he declared: "I watched him when your name was called yesterday. He stood up and stared about the room with a look on his face such as I think Cæsar must have shown for Brutus

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when the blade of the assassin pierced his side. But when the sheriff came back and said you would not come, relief shone in his eyes. Because of that look I know that he will welcome you. Come, I will go with you."

But as they approached the door a thunderous knock fell on the other side, and Gunther put in his head and shouted: "There's a fight started down on the trail about four miles east o' here. Two fellers shot dead, they say. An' ever one is a layin' hit to some one else. They are a waitin' there. Whut shell be done?"

The judge looked sharply at the messenger and demanded: "You were in the court room when I came from it half an hour ago. How comes it that you know this?"

"They sent a feller up here an' he's gone back."

"Wait here, my dear young lady, until I find out more about this. I will come back for you."

He went into the corridor, and seeing a group of men near the front door, approached them. They were Warwick, Swithen, old man Hamilton and Martin. Across the threshold were three cowboys of the *Circle Heart,* who had just come, it seemed, for each held the bridle of a foaming horse and the eyes of each were big with news.

One said: "Jed Markell, nester here in the *Double K,* got to accusin' some feller in a bunch o' punchers that was ridin' by o' havin' killed a mule

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o' hisn' long last summer. They gotta quarrelin' an' then they got sides started; afterwards some feller shot, an' hell broke loose. They are a waitin' to swear out warrants by the hundred when the sheriff comes."

The judge sped upstairs to the court room. Having called to Killer, he went on into the jail. He was deeply engrossed in the subject on his mind and looked unseeingly before him. "Masongale," he said, "go down stairs and find a man in the crowd there fit to act as a guard to-night. You and I and the district attorney must go out into the plains somewhere. There has been trouble."

Then he went below, and stopping at Nell's door, told her: "Wait until morning. I will be back then and it will be all the better for the waiting. You will wait, will you not?" And there was the note of jesting in his tones.

"Yes," she answered, "I will wait; for I could not explain what I have to in the presence of the deputy."

He smiled and pulling his hat down tight and buttoning his coat and overcoat, hurried outside, where day was slowly dying in the storm.

Masongale and Killer already stood there, waiting. "You can have our horses," one of the three cowboys offered.

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"Where are we to go?" the district attorney asked shiveringly.

Masongale questioned Gunther. The judge queried Warwick.

"If I had a hoss," old man Hamilton volunteered, "I'd go an' show ye. I think I understand jis' the place Jed Markell would start fur ef they happened to move on."

"Gunther, get him a horse," the cattle king commanded.

Gunther rushed away into the whirling dusk and in twenty minutes came back leading a horse that ducked away from the storm at every step. A saddle was brought from the corridor and buckled onto the brute. The old man seized the bridle reins and vaulting up, called to them, "Come on this way." He led into the southeast and the others followed him.

They came to the place the report had designated, but they found no one there. The settler dismounted and felt the snow, scooping it away with his hands. Night had now fallen and the storm had increased. "Oh," he groaned as he groped, "it was a trick."

They reined round and tried to return, but the tempest beat in their faces and the horses refused to go.

They struggled for ten minutes; then finding

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themselves all but lost from each other, they halted. The cold searched them to the very bones. "We gotta drift," the sheriff spoke, desperately; "we gotta drift or perish."

And they drifted on and on into the night.

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CHAPTER XII

AT nine that evening there came a soft knock on the door of the cell room. Burns, shivering with the cold and suffering with hunger, for the guard had apparently forgotten him altogether since morning, heard the signal with an eagerness which he could not understand. His heart beat violently; his imagination pictured fragments of a thousand happy situations. The raging desolation loosed on him by his fetters and his wrongs and heightened by brute neglect was stilled. In the pause his rebounding soul caught at the one belief he yet could cherish in mankind. It must be Nell, for Nell alone could cheer.

After the knock had sounded several times the feet of the deputy scraped along the floor; then the knob rattled and the hinges creaked. A breath of sharper cold swept in from the dark corridor and a heavy tread resounded through the room. There was the slam of the door and then the voice of Warwick, sharply impatient: "No light! No fire! You are a pretty animal to be in charge of a human being. Get to work."

Sounds of hasty movement rose, while the same

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heavy tread approached. Quite near the cell it stopped and the voice of the cattle king resumed: "Burns, are you awake? The sheriff and the judge were called away. This chuckle-head was left in charge because they hadn't time to find better. I'll see to fire and light. Have you had supper?"

Now, John had made a resolution that he would die before he would accept anything at the hands of Warwick. But a man half frozen and half starved and just deprived of an anticipation which on the moment appears extravagantly impossible, forgets vows which would mean but continued agony in the little of life left to him. There remained to him now but creature wants. He answered, "No, and I am famished."

The candles were soon burning and the sheet-iron stove filled with chips. In the dull illumination Warwick's face beamed generosity. He addressed Gunther, for it was Gunther who had been put on guard: "Go down to my room and get him the supper I was saving for the judge. Bring the bottle of Scotch, too. Be quick about it."

Then drawing a chair up to the side of the cell nearest the stove, he cocked his feet against the bars and surveyed the prisoner with a steady yet kindly interest. At last he observed: "It's hard luck."

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Burns, who believed it was not luck altogether, said nothing.

"There is no one here at the courthouse now. The judge sent them all home. He is a shrewd fellow, the judge is. Did the sheriff say what they intend doing with you?"

The prisoner shook his head gloomily; after all, he did not care much what they intended doing with him.

"Well, the judge is going to sentence you under the verdict that was brought; but he will fix the date of execution a long way ahead, so as to give you plenty of time for an appeal. He thinks that your friends will bring one on your behalf."

John smiled bitterly at this. His friends!

The finger-wide black brows of Warwick bent in a portentous frown; his shapely hand tousled his yellow hair until it stood a crest. He became a picture of perplexity, from which at last he spoke: "Of course, it is possible that within the year some friend might rise up to take your part and furnish the money for an appeal. It will take money. But, after all, since March and his daughter, who by good right should have stayed with you, are anxious to see you hanged, I doubt the influence any one else might have against them." And he looked the other over critically.

There was no reply.

"I would myself espouse your side in the mat-

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ter if I were not afraid of doing you a great deal more harm than good. I wanted to help you at the inquest. I tried, but it seems that all I did was positively hurtful. Now, with the feeling stronger than ever against me, public sentiment would not favor you if it were known I desired your release." He lapsed into a reverie and presently mused aloud: "It is a strange situation. Justice seems to be only a relative matter in the minds of most people; the wrong a friend does is to be condoned, but the right deed of an enemy is always to be censured. The Marchs, now, for instance, hate you. It is not a question with them whether you are guilty or innocent before the law, but whether you are pleasing or displeasing to them. They are good people, too; good as you'll find. Bah! What a farce society and civilization is!"

Gunther came in with an iron kettle in one hand and a steaming coffee pot and a tin cup in the other. The warming room filled with the savory odors of stewed meats and the aroma of strong coffee. Warwick dropped his feet to the floor and with a wonderfully pleased look, as if it delighted him beyond measure to minister to the unfortunate, got up, and taking the pots and cup in his own hands, held them until Gunther had unlocked the cell. Then he thrust them in. "Now, Gunther," he ordered, "you may go down

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and bring that bottle of Scotch. Mind you, hurry back."

Again the two were alone. Burns fell upon the food eagerly, for it was good; moreover, he had tasted nothing at noon, because at noon he had sat and listened to the tramp of feet below and had strained his ears for the words of the speeches and the songs at the burial of his friends. Warwick watched with a look mingled of kindness and uncertainty.

When Burns had drained the last of the coffee he set the tin on the floor and, with a look of genuine gratitude in his eyes, declared: "I am much obliged to you for what you've done this evenin'. I've been on a strain for months now. It seemed, to end yesterday when the shootin' opened in the court. I thought I was iron. I thought I'd never give up to anything at all. But I'm nothin' but a man; an' a man ain't much."

"Yes and no. When a man's friends have all turned away from him and his enemies are the only ones who come to feed and cheer him; when he's down and out, he feels that way. But when he finds that the ones he used to hate are friends after all, that can change his mind."

Burns stared curiously at him.

"I mean," Warwick seemed in haste to explain, "that you have just now come to the moment of understanding life. Hitherto you have dreamed,

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as all men worth a second-hand chew of tobacco dream, that life is a sort of iron way which a man must always follow. You have traveled it. It has led you to this situation. You understand at last that it was a mistaken way. In the exaltation of its dreams, society demands ideal citizens, but it exacts gods in the frenzy of its wakefulness. Its heroes must be heroes not only as far as may be necessary, but further — to the very uttermost. It requires the torture and the stake before it can exalt. Bah! What an empty glory to win the last approval of such stupidness."

The prisoner was lost in thought.

The other studied him with a look of profound calculation, and then, drawing closer to the bars, spoke in a voice guarded even by a total lack of inflection: "I have procured this chance to talk with you, through the risky device of sending the judge away on a fool's errand. Here is the nub to your position. You are under sentence of death; your only hope of survival is based on the theory that those whose folly and silly pride placed you here will see it not too late. Grant that they do, is it sensible to believe their influence sufficient? March has none now; Chaves is dead; the girl was in love with Hamilton. Should I seek to assist you and the cry goes up that you are my secret agent, that alone would doom you. Grant that the girl tries to help you, what can she do

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against her father? The year will grind away, but nothing will be done. In the end the decree of death will find you rotting in some cell. It will lead you out of that cell to a scaffold. It will put a rope around your neck and a black cap upon your head. It will spring the trap under your feet. It will hang you until you are strangled."

He paused and then went on in a whisper: "I have looked the whole thing over and I see but one way. That's this. I have made all the preparation for it. The sheriff and the judge and the prosecutor are gone and cannot beat back against this storm until daylight. I am master of the fellows left on guard. Gunther is at the door outside, holding a saddled horse by the bridle; he will give you the reins. You can slip down there or go openly. I will give you weapons and money enough to keep you safe in hiding wherever you choose for a whole year. By that time this thing will have blown over. Then if you want to come back, I will protect you."

Burns bowed his head; he stooped even as to his whole figure; he smiled vacuously, like a man who capitulates, but he did not speak.

The cattle king watched with interest that grew. The room was silent, a field of victory and defeat, for outside the storm also seemed surrendering.

"Hurry. The judge and the sheriff will be

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back if the wind falls. You need the whole night, anyhow, to make a good get-away."

The prisoner apparently heard nothing; his face revealed nothing; but he bowed lower and lower like a man who bears some burden that crushes.

Again the wind howled outside. Warwick heaved a sigh of relief. "Make up your mind," he urged; "make up your mind. I have done this simply because I could not bear to see a man like you suffer as you will suffer and die as you must die, if you remain."

"That's not the worst," the cowboy answered mechanically; "that is not the worst. Before you came to-night I made up my mind that if I could escape I would do it; because I could then get at you. I believed that you were responsible for all this." He roused and straightened himself so that he looked Warwick full in the face; then he proceeded: "I made up my mind to hunt you down and kill you, but now I am not so sure." And his eyes searched the face of the cattle king.

"I understand," the would-be liberator laughed mirthlessly.

"Yes, you do; but I don't. There's the rub. I know you bribed young Hamilton. Chaves told me that if I left Hamilton alone he would get the big head and you'd have to make away with him. Why is it that you want me to get away?" And profoundest curiosity shone in his eyes.

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"Burns, I admit I forced a part of this trouble. But the fate of Hamilton never had my hand in it. I had nothing at all to do with that. Nothing. I did send him to file that information against you. I paid him to do it. To be honest and frank and tell the whole thing, I had Berdan run a brand of yours on one of March's calves. You know why I did that. The stand you took with the settlers was certain to ruin this as a cattle country. You see, don't you?"

"Don't tell me that, Warwick. You could have done it easier. You could have hired some scalawag to have shot me."

"You misjudge me, Burns. Do you imagine I could have a man shot?"

The prisoner looked disgusted and then suddenly, as if throwing off the burden that had oppressed him, he raised his head and squared his shoulders: "What is it to shoot a man? That merely ends his struggle without disgrace. That would have been mercy to the thing ye did do to me. Ye destroyed the confidence of my friends; ye put the shame of thievin' on me — the shame of violatin' the Colonel's trust — the shame of everything low and crooked and contemptible. Of course ye never thought it would lead to this. Ye never thought, because ye didn't care." And his voice broke in bitterness.

"We need not waste time in explanations.

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Facts are facts. I admit a share of responsibility in your trouble. Freely have I acknowledged that share. What I ask now is leave to undo as far as possible the consequence of my acts. I wish to save you." Warwick was pleading.

"You say you know nothing about this murder; then how do you know but what I might be guilty of it?"

"Humph! I suppose you are guilty. The evidence all points to you."

"And believin' that, you'd help me get away? Warwick, Shorty McGill, or even Chaves, could touch me to the heart by offerin' this. They did. Did you hear what I said to them? Do you know why I could say it? I'll tell you. While they lived I knew I had friends that I could bank on. I had faith as long as they were alive. I don't know that there's any left now. But that makes no difference. I don't need one. There's nothin' left to do. Nothin' but jist let the things ye've started have their course. That's all. That's all the thing that I can do."

"Here, don't be a fool. You can get away and this will all blow over in a little while."

"It would hurt you, would it? It does hurt you to think that a year from now or about that, they'll come and take me out of a cell to a scaf-

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fold, where they'll hang me? Hurt you much?" And his sarcasm cut like a knife.

The leonine face of the other seemed to soften and his answer was remorseful: "Don't talk that way."

"If I thought I could hurt you by it, I'd gladly hang. Listen to me, you liar. Chaves told me the day after our round-up that I must always bear this in mind: That you'd never rest until I was driven off somewhere. He knew you, as I begin to think I know you. The most amazin' hypocrite that ever drew the breath o' life. I never thought before that just a common cow puncher in this country could ever git to be so big that you would be afraid to kill him, much less afraid to sit and see him hanged. I understand it now, though, because now I understand how damned small and mean you are. Yes, you could be afraid over the death of an honest dog."

He paced the cell for a moment, and then turning, fixed baleful eyes upon the cattle king and his words fell like the snapping of a whip: "Your sympathy for me! Sympathy! Go hunt up Marmon and say that you're sorry. Own up to him as you have owned to me. Go hunt the dozen other men you've ruined for the same reason that you ruined me. Make 'em believe you. When they believe, it might be that I could.

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You'd convince me now only for this one thing you overlook — if I go away as you want, so as to save you the misery of my death, you'll never clear my name of what you have admitted that you did. No, you will not. Not when you saw me in the court room yesterday, with every one looking on me as a thief who had murdered to save himself from the evidences of theft; not when you knew the whole farce of it, would you get up and set me right." He stopped, for he was spent with rage.

"Burns," Warwick spoke with gentle remonstrance, "if I had tried to say a word for you, they would have only thought I was working some scheme against the truth, and you know it. Because I hold my own and a little more in this world, people regard everything I do with more or less suspicion."

"Yes, big as you are, ye can't get away from what you are. You're always that. No more; but no less. Here's the proof again. Right now you're standin' here tryin' to argue me into sneakin' away." Again he paused and again that same deep curiosity looked from his eyes: "Why don't it suit ye jist as well for me to hang?"

The cattle king went softly to the door and having locked it returned to his chair, seating himself, and again cocking his feet up on the bars, he drew his hat down over his eyes and staring under-

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neath the brim, answered deliberately: "I knew you were an obstinate devil. It takes strong measures to accomplish anything with one like you. I half wish you could hang."

Burns laughed contemptuously.

For an instant Warwick's feet came down and rested on the floor and his face turned into the play of the candles. Surprise had seized him. He shook it off and putting up his feet and turning his head until his face was in shadow, once more spoke: "The fact in this matter, since you will have nothing else, is merely this: There is no hope for you unless you slip away to-night. Just as Chaves told you, it has been necessary for me to send you out of the way. Circumstance — which is another name for destiny — has laid on you a sterner decree than even I. The law would hang you. I am kinder; though I do not want you here, I would ship you, and be only glad to let you live. I have the heart of a man."

"Humph! You an' what's this? Destiny? No, you jist by yourself. You're the whole thing, seein' that when it suits ye, ye can send your partner, Destiny, away and act for the firm, by cheatin' it o' whut it claimed. It's a wonder to me ye are so generous as to let a man breathe or eat or live at all. Say, haven't ye made some mistake somewhere? Ain't you God A'mighty himself, or do you jist think ye are?"

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Warwick snatched off his hat and plunging forward on his chair, gazed into the cell. His great head reared like the head of a beast about to spring; his eyes glowed with deep fire; his bearded lips twitched with no simulated emotion; his fingers clutched like talons that would rend; his voice was vibrant with rage: "You whipper-snapper! You miserable fool! You simpleton! I could crush you like a worm under my foot. What are you, anyway?"

"I am a man," the cowboy answered steadily; "an' because I am one, ye hate me."

The angry face drew back; the leonine head drooped; its owner chuckled dryly: "Yes. Yes, you are a boy. I had forgotten that. Beside being a boy, you are a fool. But we are wasting time. Will you go or not?"

"Warwick," Burns answered sharply, "now you do give yourself away. I see it plain enough you want me out of here. Let me tell you this much: I'd rather die a whole victim to this Destiny you talk about than, havin' been ruined, take my worthless life from your hands, an' go like a victim of thieves, takin' the rags they left him an' thankful for the chance. What ye've begun ye can end. After all ye've done to me, don't have the face to ask me to help ye finish it. Go on! Go on with it. An' if ye do hang me, there'll be one good thought as the trap springs under my feet

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and that will be that whatever else ye did, I cheated you of my agreement to the things ye wanted me to do. Go on! Go on! Here's the first chance I've had to hold myself against ye. I take it, regardless of where it leads."

His eyes glowed with sudden exaltation and his voice went on vibrantly: "By the eternal God, if I can force your hand by it, I'll rot in prison long as I live and at the end go gladly to the scaffold. You have stripped me of my honor, of my friends, and all I had in life." That passion passed, giving way to hate, and he sprang to the cell door and tried to open it. It was locked. He rushed over to that side where Warwick sat, and thrusting through the bars, clutched swiftly for a hold on him. The other leaped away barely in time. Panting with his rage, the prisoner gasped out: "You thief of all I had, I could tear you to pieces with my hands." And he caught at a bar, and swinging all his weight and strength, bent it slowly up and down.

The other, standing just out of reach, watched, and then seeing that the iron would not give from its fastenings, laughed coolly; then, with a look of hate that was the more terrible because it veiled itself behind something like a smile, he threatened: "Well, my young Quixote, we will see. We will see. You want to measure what I can do, eh?" But at that he lost his self-control. Quivering

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from head to foot and fairly beside himself, though his voice was strangely calm, he declared: "Never in all my life did I afford myself the luxurious folly of hating any man or any thing. My passion has been my work; but now I have another. You have bred it. I think I can hate you. I know I do. What you have tasted so far at my hands has fallen to you from them as an incident of business purposes. You will perhaps taste something bitterer now. Well, we will see what you will taste."

And on the instant he was composed and inscrutable. Staring grimly under the brim of his hat, he left the room.

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CHAPTER XIII

NELL MARCH having waited all of four hours for the return of the judge — she began expecting him ten minutes after he rode away in the storm — made up her mind that the unforeseen had occurred and that as a logical corollary, she should follow her own inclinations. She got from her chair, stifled a yawn, and remarked to Aunt Hattie: "I believe I will go out and talk to father awhile. Don't wait up for me."

But Aunt Hattie, who was jealous of her authority, smiled the grimmest of smiles. Nell might go, but she must hurry back.

But Nell made no promises; she had no time for them. Crossing the corridor, she rapped on the door of the room which Martin and her father were occupying. She waited in agony for the one who might come. But it was Martin who answered her summons. Through the half-opened door, she saw her father sitting disconsolately before the sheet-iron stove, with the light from a solitary candle casting weird and fluttering shadows on his bowed gray head. She put away the

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woman instinct to go in and comfort him and with finger to her lips, beckoned Martin out.

When he had come, closing the door and the darkness behind him, she put a hand on his shoulder firmly and whispered: "Mart, if Aunt Hattie comes or if anyone comes, you must answer their knock and if they inquire about me you must say that I am inside the room with father. Will you?" And the clutch on his shoulder suddenly made him wince.

"W'y, Miss Nellie," the old cowboy faltered; "I dunna whut y'er up to. I might an' agin I mightn't."

"What?" and the whisper that carried the query was so sharp that he winced again. "Why might you not?"

And Martin, who had worshiped her from the day she had toddled at his knees, recalled himself: "Naw," he struggled over his sworn promise to the Colonel; "naw, Miss Nellie, I reckon they hain't no reason either, 'ceptin' my promise to yer daddy an' that wuz only to see that ye wuz not allowed to go to John."

"Then you will stand guard for me?"

"Yeah, ef ye promise ye won't try to git upstairs."

"Why, upstairs?"

"Becuz he's up there. That's why."

"Oh, is that so. What sort of place is it where

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they keep him?" And her tones were those of idle curiosity.

Martin, with the cowboy's love of detailed statement, began: "Well, hit's the fourth door down the hall from the head o' the stairs. Hit's a considerable room with a sorter big iron bird cage in the middle an' no winders much. Hit like to a broke the county a—" She interrupted him impatiently: "I know all about that. I know all about it. Give me some matches; I must go."

"Miss Nellie, whut d'ye want matches fur?" Martin's sense of duty halted him abruptly. "W'y d'ye want matches?" he repeated suspiciously.

"Do you think that if I happen to take a notion to step out doors for a breath of fresh air, I ought to have to come back into my own room and blunder over the chairs?" And her whisper cut with scorn.

Presently she heard him fumbling in his pockets and an instant later she held a half handful of his matches. "Thank you, Mart. Thank you! You are a dear!" Her gratitude burst from her.

Martin knew nothing of women beyond the belief that those like Nell were divine and could do nothing deceptive because they never needed to. Perhaps they need not do anything very deceptive.

She pushed him slightly away, and then tiptoeing so lightly that no sound of her footfalls be-

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trayed her, she moved unerringly down the pitch-dark corridor toward the stairs.

She heard the door open and close and, then with the realization that at last she was safe, she stopped with her hand on the newel post of the stairway. Hesitating only for an instant, she began to ascend with the same silent tread, but now feeling her way carefully. Half way up, and the sound of heavy footsteps in the corridor above halted her. She waited. That heavy tread with its rhythmic, pauseless approach, thrilled her with sharp alarm. Somehow she knew that under those sounding feet all of her life was to be spurned. But she thought of Burns and the days that were gone. Let come what might, she would wait.

She waited and the steady tramping reached the landing above; she shrank away from the balustrade to crouch against the wall. Nearer and nearer in the darkness those ominous footsteps came. Now they were opposite. She breathed relief. They would be gone in a moment. But in that moment something brushed her arm and then was gone. She stifled a cry of fear and the steps passed on down. They passed swiftly and even in her excitement she perceived that they withdrew more rapidly than they had approached. The fear that she had been discovered was overwhelming. Doubt and hesitation filled her.

Then in the darkness where the passing steps

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had died away there blazed forth a sheet of light, in which with his hand on the opening door, Warwick, with his hat drawn low to his brows, stood revealed. He passed inside and the darkness again held sway. Yet she hesitated. Not a moment passed until again that door opened, but it was Gunther and not Warwick who came out.

For but an instant the girl listened, while the cowboy's feet came blundering down the darkness toward her, then with all caution and all haste, she hurried up the way. She gained the landing just as she heard his first footstep on the stair. Pausing only for the direction, she felt her way on down the corridor to the first door. She opened it and entering locked herself in. As the bolt slid noiselessly into place the boots of Gunther clattered past. They clacked away and then ceased abruptly, while a door creaked and then slammed shut.

To the girl waiting in the darkness, all this was heartbreaking. She felt sure that Warwick had discovered her on the stairs, divined her purpose and now was thwarting her. She had devised a plan for winning over the deputy, but the deputy forewarned would be unapproachable. Yet she would wait.

Almost before she knew it, the same wooden-sounding tread repassed her door. Perhaps he had forgotten something. She opened her door

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and then lingering only until she heard him on the stair, she slipped down the corridor several steps and boldly struck a match. The hallway was empty and the fourth door loomed grimly right in front of her. With a hand that shook, for her wish to be near him mastered her, she touched the knob. It turned. She swept the door open in a paroxysm of delight. And then on a sudden, the shyness of maidenhood rising from the suspense that had spent itself, seized and held her motionless.

In that moment of her struggle, Burns, who had roused from his bitter reverie at the opening of the door, looked. In the vague shadow that enveloped her she stood half retreating. The candles flared in the penetrating wind and in their light she seemed to him to gleam with a radiance of her own. The splendid glory of her hair, a veritable halo framing the whiteness of her face, and the star-glint of her eyes caught and held the fluttering, shifting candle light.

All of the yearnings he had ever felt, ten thousand he had never known before, filled his heart until it was an abyss of tumult. He stretched his hands through the bars and out of the agony of his soul, lest she might not heed him, he called: "Nell."

And at his call she bent her head and came timidly. Never before, even in her childhood, had

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he seen the pride of her bearing vanish as it now vanished. Nell, that was divine as a very bit of God, was changed. Something stirred strangely within him; the fear he had always felt of her was gone; in its stead he knew a desire he had never before dared dream, the desire to hold her and crush her to him. And then as if from a dream he recalled that only five minutes ago, Gunther had come and gone, leaving the door of the cell unlocked. He shifted a hand and raising the latch, flung open and came swiftly out to her. She waited but she did not meet his glance. He did not need her look or word, but came boldly to her side. But then the pagan desecration of his boldness smote him and he paused.

At the warning of his hesitation, a fleeting change swept her features, leaving them glowing red. She bit her lip and faltered: "I — I came to tell — to tell you, that —" Now that she stood beside him, the simple statement of her belief in him was impossible. Love colors all the trivialities of life until the least of them, to the lover, fairly blazon forth the great fact. Wherefore her voice died away in confusion and her resolution never to let him see drew subtle lines of pain about her eyelids and her lips.

The passion to seize her in his arms gave way on the instant to an inexpressible tenderness for her, a mighty yearning to shield and keep her

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from all hurt. And with that desire to shield her he held out his arms and she came into them. The wonder of her answer stifled him, swept away the last shreds of that old awe of her, and he kissed her up-lifted lips. When he put her gently away a moment later it was that he might look upon the new and glorious wonder of her, to comprehend fully what he told her: "Nell, I worshiped ye before; jist worshiped ye, but now, but now I love ye."

As he spoke, the door leading to the corridor creaked sharply. The two wheeled round to look and so stood side by side. The door swung on open, disclosing Warwick. The cattle king merely stared at them as if they had been two pieces of furniture which he must approach in order to go his way. But when he had come within a few feet of them he stopped and examined Nell critically. A strange smile played in his yellow beard for an instant. Then as if abruptly rousing to the fact of his having interrupted, he bowed first to her, then to Burns, and in the most gracious tone imaginable begged them to pardon him for entering the room. And bowing, he went out.

"He is terrible," Nell whispered hoarsely and drew closer to the man she loved as if she would shield him from the terror that she felt.

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"Yes," he replied; "I see now. Somehow he knew ye wanted to come. It was a trap for ye." And his anger maddened him at the thought. He was minded to go down, hunt Warwick, and kill him. Yet through the blindness of his rage he saw one thing clearly — whatever the cattle king had wished it had been consummated. He recalled a warning Chaves had once uttered: "If Warwick ever finds that the girl stays with you, that would mean you'd marry her in time and so become a power in the plains and nothing could stop him till you were underground or buried in the penitentiary for life." As he realized the truth of that saying, he knew an agony that turned his bones to water and his heart to ice. But looking down into Nell's face, he saw his own misery reflected there, and at sight of that he was iron and fire once more. The knowledge that he was helpless calmed him, and taking her hands he said: "You had better go now, Nell. Don't ye understand what he wanted? Mebbe I ought to lie to ye an' save ye the pain, but I cain't lie to you. He wanted to know if ye cared fur me. That's all. That's all. I'm in his power. Ye must go before he gits ye, too."

She clung to him passionately, "I'll not leave you now. I'll never leave you."

"Ah," and he spoke with strange gentleness;

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"ye must not think it's desperate as that. Didn't ye know that the judge thinks I'll be freed? Sure, I will be, and I'll come back to ye."

"They'll never let you come." And she spoke with the intuitive wisdom of womankind.

He argued and stated and restated, but no logic could convince her. At last, to assure her, he took her in his arms, but the very tenderness of his touch betrayed to her his own conviction that it was a last farewell. She, too, felt it was the last, yet with that terrible courage of womanhood which rises supremest only when all ground for hope is gone, she clutched him desperately by the shoulders and demanded: "Why did Warwick wish to know if I cared for you? What difference did that make to him?"

He tried to lie to her to save her from the torture he knew the truth would bring. But she rose in the passion of her desperation and being but a man he capitulated.

"Because he is afraid you would become a power in the plains equal to himself?" She echoed: "Yes — yes. But if I were to make him believe I did not care for you he would let you go."

The very idea nauseated him; he protested: "You must not git tangled up for me." His imagination pictured the contest for her and new agonies thrilled him. "You must not! You must

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not! Promise me ye'll let me go on to rot or hang an' never raise yer finger. Ye can see in me what comes to them that hender Warwick."

But she made no promise. Instead, she looked up into his eyes and voiced the great sadness of her soul. "Good-by, for all we can say or do now, only prolongs the futile bitterness and irony of the words. Good-by, John. Write me every day from the prison. Something may happen yet. I'll watch and I'll pray for that." And with all the chances and the mischances that must intervene hovering like storm clouds thick over all her prospect of the future, she threw her arms around his neck and cried softly; he thought she had promised; whereat, his relief lifted him above the grief he might have felt. Like one who has accepted death and thinks no more of himself, but only of the one soon to be bereft, he bent and kissed her tenderly.

From that caress she looked up with strangely questioning eyes and her voice faltered as she asked: "Would you dare Warwick yourself, again?"

The query was like fire to powder; all his gentleness was gone; his speech was thick with the tremendous passion of his hate: "God, yes! I dare him to the scaffold and the grave, an' through all the eternity o' hell."

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"And so I dare him!" she cried. Her lips touched his like a breath of flame and she was gone.

The next morning, with Aunt Hattie, her father and old Martin, she stood at the front door of the courthouse when Warwick and two deputies came with Burns handcuffed in their midst. They paused at Warwick's word, and then he said:

"You friends of Burns had best bid him good-by here. I have taken it upon myself to send the deputies away with him, because if it becomes known that he is yet held here, there might be danger of a mob. It is hardly a legal proceeding but the occasion warrants it; for with the judge and sheriff absent and unaccountably detained, there is not sufficient authority to protect him."

The Colonel, yet laboring under his delusions of conspiracy and seeing in this new evidences, bowed coldly, while he said: "Good-by, young man, and if ever you get out of this scrape I hope you will do differently." Aunt Hattie did not even look at the prisoner. Old Martin caught the manacled hands and cried over them like a little child. But Nell, with a subdued light in her gray eyes and a wondrous poise of body and head, merely waved her hand while she spoke, "Good-by, Mr. Burns."

Then three saddled horses, led by a *Circle Heart* cowboy, trod the crunching snow outside

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and at a sign from Gunther his fellow deputy and the prisoner crossed the threshold. Burns was hoisted into his saddle, the assistants mounted, set spurs and headed for the southeast. Warwick, watching Nell with a smile of wondering admiration, caught her eye at last and bowed approvingly as one who would say: "You play your part so well that I will not give it away to your father and your aunt." Then he went his way.

It required two days to reach the *Double K* headquarters, for the drifted snow was deep. When Martin, who had barely spoken to Nell all the way — he was outraged at her unfeeling farewell to his boss — at last drove the ambulance up to the big barn-like house, Judge Williams, who had drifted there during the storm, came out and helped the ladies to the ground. Martin would offer no assistance. As soon as Nell and the judge had gained the doubtful privacy of the front room, she asked him: "Can't you withold your sanction to having Burns sent to prison?" And the eagerness in her voice and eyes transfixed him.

"It is too late now," he explained, lamely; "for when we at last got in here, finding that we had been tricked, we decided that Warwick had played it in order to get the prisoner into his possession. Consequently I made out the commitment papers here and sent them back with the sheriff. Instead of having made away with

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Burns, Warwick had already started him off in this direction with a view of getting him into proper custody. There was no reason for holding him back, so I let the sheriff take him on. They are gone now. Nothing but an acquittal on appeal or a pardon from the Governor could bring him back. I am sorry. I am sorry, for I know now that your wish to see him was never realized. My proceeding was irregular, I admit."

She did not attempt to mitigate his self-denunciations for his failure to give her the promised audience with Burns. But when he had done with them, she demanded: "Why can you not write to the Governor and tell him that all this business is unlawful? I heard you say it was irregular just now."

"So it is; but this is the difficulty: My election was irregular. Until the Legislature canvasses my election I am only a pseudo judge. After their canvass I will either be the lawful incumbent and all my acts will be upheld, or else I will be thrown out along with every decree I uttered. Should I begin memorializing the Governor he will think me officious, and if he has a friend who wants this appointment, he can veto the canvass of the Legislature. We can only wait. The life of your friend is at stake in this matter. We must wait lest one misstep should remove us forever from the way of helping him. The situa-

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tion is so desperate that I will take the risk of granting an appeal, though I know that in so doing I at once invite the question of my proper authority from the higher courts. Yet I will order it. It is our only hope."

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CHAPTER XIV

THE proposed appeal was never taken. When Judge Morgan went up to the county seat along with Judge Williams, some two weeks after the trial, for the purpose of making a transcript of the evidence as the law requires, they found the courthouse vanished. Where it had stood lay sodden snow and ashes, out of which sprawled like a broken crate the warped and twisted wreckage of the cell. The ruins were searched thoroughly, but the docket, of course, had been also burned. Judge Williams, surmising incendiarism and the motive of it, forgot his caution in his wrath. He sent a memorial and a statement of the facts to the Supreme Court and in due time received word from that august tribunal that the matter would be considered as an action in chancery, that it had been so entered on the calendar, and that the docket was eight years ahead of the court. The cool insouciance of the Supreme judges in practically saying that seven years after the execution of Burns, they would look the matter over and see if he had been fairly tried, threw the judge into a still greater rage. He memorialized the Legislature.

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In due time that body convened and thinking that between the lines of his fiery address they read the blatant demagogism of an affrighted office holder, they refused to confirm his election and sent an order up to the plains that a special election for judge should be held during the last week of December.

On learning of this new misfortune to his cause, for Burns' cause he had made his own, Judge Williams began a canvass for re-election so thorough and so sweeping that ten days before the date set for opening the polls, no man in the plains doubted his winning by at least a fourth of all the votes.

While all this was going on, Warwick, like a man having the wisdom to leave the hopeless issues alone, contented himself with whole days of inaction in the south room of his headquarters. Cowboys from other ranches friendly to the *Circle Hearts,* came and protested that Williams would be re-elected unless some work were done. Whereupon the cattle king would lift his finger-wide black brows, and demand to know what work could be done to prevent Williams' victory. Then from his breast pocket he would draw forth a long strip of paper much thumbed and soiled, on which was written the names of all the voters of the plains. Under Williams' name he had set down those of a hundred and thirty settlers

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and cowboys. But under Maxon's name — Maxon was that weakling who had been appointed to defend Burns after Chaves had been disbarred — he had written but seventy names. No poll taker was ever more thoroughly conscientious in ascertaining the actual strength of tickets. And after Warwick had shown this paper, he would fold it up again and say: "This is the death warrant of the cow business. There is no use in fighting it. The people have decreed it and the voice of the people is the law. It will be better to submit graciously to the inevitable and maybe then be permitted to go decently away without having to make the sacrifices which the loser must always make after a bitter fight."

When no one came to interrupt him, he usually sat before his flat-topped desk. Sometimes he read in law books or again in the Government Reports concerning the Live Stock Industry. In the evenings, by way of relaxation, he devoured pages of statistics which showed the number and kinds of food animals, together with the food supply, throughout the earth. Also he had an almanac. This he was never without — and no matter what else he might be reading — often he would open it to puzzle over the zodiacal signs and changes of the moon.

But on the Saturday morning preceding the election he put all of his books away. Leaving the

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south room, he walked wanderingly out into the plain, often gazing up into the gray sky as if he looked for some sign in the heavens. His men watching him from the bunk house and each of them realizing that with Williams' election the days of cattle kingdom were numbered, exchanged meaning glances with one another. "His mind's a breakin'," was the whispered comment; "an' no wonder; hit's enough to drive 'im crazy."

Backward and forward past the bunk house and the corral he paced. At noon the cook came to the kitchen door and called, "Chuckaway." Warwick, not five yards off, never heard him. The cook dashed out and shouted in his ear. The cattle king stared strangely at him and then without a word strode on.

After the meal the men came out to look at him. He paid them no more attention than he might have to so many cattle rousing from their grass to stare.

But when supper time and darkness came, he entered the long and grimy dining-room with a step so firm that in the face of what had passed they waited breathlessly. His blue eyes shone with a subdued fire, the cruel lines about his nose which most often he kept hidden, lay revealed; his every movement was quick as the strike of the rattlesnake. He ate ravenously. Then pushing back, he leaped to his feet, his words roar-

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ing forth like the beat of hail on iron: "Bring the rough-shod horse to the door, saddled."

And he turned and went through the doorway leading toward the south room. By the time the horse was brought, Warwick had returned. He was armed and across his shoulder he carried a fine beaver-lined overcoat. He shouldered through the crowd at the door, tied his coat to the saddle and then fairly flinging himself up, he gathered his reins and spat at them in a voice like the staccato of an automatic gun: "Every-man of you be at the polls in our precinct at half past five on the afternoon of Tuesday. Not a minute sooner; not a minute later. You must work around here until Tuesday morning and if any one comes in the meantime — no matter who he is — you must say that I am gone away and out of my head — that the election drove me crazy. You must say that you are not going to the polls. But when ten o'clock comes Tuesday morning, saddle and ride like hell to make it; and — you must — make it." He paused and his voice became terrible in its intensity. "Any man who fails me in anything I have ordered will go out of here like a lobo with all the packs of the plains upon his heels." Then as he spurred away into the falling night, he flung back at them: "Pray fur the damndest storm that ever blew, and if it comes, face it to the polls at the appointed

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time, though you freeze doing it. For, if under that you fail me, I'll be worse to you than all the cold and all the sleet that ever struck the plains."

All of that night he rode swiftly toward the northeast, guiding his course by the stars. A somber morning was breaking when he first drew rein, to halloo before a dugout in the middle of a plain. A sharp-visaged cowboy came out and on perceiving his visitor stiffened to an attitude of military attention. "Git down," he proffered hospitably; "git down an' I'll give ye some breakfast."

"Breakfast!" Warwick ejaculated vibrantly. "My breakfast is the winning of my cause and it is not yet won. Water this horse and bring a bag of meal for him. Move!" The man jumped to obey and when he had finished, the cattle king transfixed him with an ironical stare and commanded: "Beecher, be at the polling place by half past five on Tuesday afternoon; not a minute sooner; not a minute later. Vote the Maxon ticket. If you fail me, I'll see you tried in Williams' court for everything you've done." And then without further word, without having left the saddle, he pressed on yet northeastward.

About ten o'clock he came to another line camp, where he dismounted. Leaving his wearied horse to munch at the meal in the bag, he entered the frame shack without knocking. A cowboy lay

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dozing in the corner of the single room. "Up, you sluggard, up!" But before the drowsy fellow had rubbed the sleep from his eyes, Warwick had found and opened two cans of tomatoes. He drank the liquor from each at a single draught and then turning, brought the sluggard to his senses with a shock. "If you fail to be at the polling place in this precinct by half past five or before half past five on Tuesday afternoon, or if you fail to keep your mouth shut about my visit until Maxon is elected, you will go to sleep the next night and waken no more." And turning away with all the fierce demeanor that the threat implied, he made his way back to his horse, which he mounted and urged on to the northeast.

All of that day he rode his unerring course, pausing nowhere except at line camps, and there only long enough to snatch food for himself and horse and to give his sharp orders for election day. Once in the afternoon he made a wide detour to the east in order that he might pass a settler's cabin unobserved. But when he had passed it he swerved again to his original course and held it with all the precision of the compass' point. The needle to the pole is not more subservient than was Warwick's action to his own resolve.

As evening drew on a gray bank of cloud rose like a low wall in the northwest. The sight of it filled the cattle king with the keenest pleasure.

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He patted the neck of his worn mount kindly and repeated over and over again: "Selim, between the God of weather and you, I win. I win. I win."

About midnight he came to a black lump in the gray of the plain. Shouting with all his might for some one to come forth, he rode up and beat with his pistol on the rattling door the darkness hid. A voice came from within:

"Who's there?"

"Who's inside?"

"Majors."

"This is Warwick. Come out."

The man came in his bare feet and stood in the shadow as he begged the rider to get down.

"No time for that. Majors, you be at the polls at half past five o'clock on the afternoon of election day and vote the Maxon ticket straight." The horseman spoke almost fiercely. "Rain or shine, or no matter how hard it storms, go. If you fail me, Majors, or say a word to a soul until after you have voted, I'll set the law on you for what you have done."

Then he set spurs to his horse and galloped away, bearing more nearly to the north. Somewhere about morning he halted at another line camp and again beat on the door with his pistol butt. Again he called for the name of the party who challenged him and on getting it, summoned

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the fellow forth to give him the command for election day.

"Better git down an' eat an' stay awhile," the cowboy suggested sleepily.

"This is Monday morning and to-morrow is election day. I've got to ride a hundred and fifty miles before noon to-morrow and I can't fool away a minute."

He turned his horse away and then called back:

"I will stop if you'll give me a lot of grub for myself and some flour and meal for my horse. Can you?"

The man jumped to obey. In an hour's time he had bread baked and a quantity of salt pork and dried beef sliced. Warwick took a sack of meal and tied it with the food for himself across the bows of his saddle. It was broad day now, but the country ahead was vacant save for line camps at intervals of a dozen miles.

As he came to each shack or dugout he halted only long enough to bring out the occupant and give the same order for the election.

At times he studied the sky in the north hopefully; there was no cloud bank, but there was a dull haze. At noon he stopped at a camp and watered his horse. He took a pound or more of sugar and mixing it with a couple of quarts of meal fed it to the animal. He laughed at the

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brute eagerly swallowing the delectable mixture and observed:

"Eat good, old horse, for to-morrow you may die."

He did not try to catch sleep while he thus waited — he dared not for fear he might oversleep.

Through the afternoon he spurred wildly and came at night to a line camp in the edge of the *CC* pasture. He fired his pistol as he approached and when the line rider came rushing out, he called to him: "Be at the polls at half past five." And the man on foot looked up into his face, drawn like that of a tiger, and shouted in a sudden frenzy of admiration, that he would "go in spite of hell."

He swept on like a rider of the old Express. He came to another camp and shot into the roof. A man came running out with a gun ready.

"It's Warwick. Be at the polls at half past five."

And he was gone like the north wind that now swept down.

Presently his wild course was unguided, for the stars went out in clouds born of the morning haze. He cursed heaven and earth for the mischance. Then on a sudden he got down and walked to rest his horse. The night grew thicker. He stopped altogether and made use of the delay

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by feeding the animal and eating a little of his own food.

As he waited, snow struck against his face.

"The Lord is with us," he shouted to the night.

Presently sleet cut his cheek, whereat he whooped gleefully.

The darkness and storm grew thick and it was bitterly cold. He put on the fur-lined coat and then mounting, got the blast fairly in his face and rode against it. After a long while he came to a wire fence. He got down and with his hands tore off a stay. He held the wand as he rode, tapping the wires as a blind man taps the pavement with a stick. He spurred and cursed his horse, for the animal was failing now and could barely walk.

Presently he got down and walked ahead, leading. After a time the plain seemed to break under his feet where the fence crossed a low swale. He turned into this and guided by it walked until his feet were entangled in loose wires. He groped and at last touched a wall. He groped further and came to a door. He beat on it and a cowboy with a lighted candle came and admitted him.

"Up with you and get me a horse — a shod horse — while I eat."

The tenant of the camp looked at the figure close wrapped like that of a beast of prey, and

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at the big and fiercely drawn face rimmed round with frost, and was appalled.

"Up with you. I can't wait."

The fellow did not stop to put on more than half his clothing, for he feared the wrath of a man who would ride so desperately.

When he came back, Warwick had eaten.

"Dunnel, is that horse shod?"

"He hain't an' I hain't got no shoes."

"Pull them off my horse and nail 'em on him."

Dunnel ran for his shoeing hammer and nails. He came running back and tried to remove a shoe. But the animal wearily kept his feet planted.

"Snatch 'em up. Snatch 'em up." Warwick raged. The fellow strained, but the foot would not come up; the cattle king flung him aside and put forth all his strength. He fairly lifted the animal's quarter from the ground. On a sudden, wrath seized him, for there was no shifting of the weight. He dropped the burden and snatching out his pistol put the muzzle against the forehead of his mount and fired.

As the animal fell struggling, he caught the shoeing hammer from Dunnel and seizing a kicking hoof snapped out the nails in a jiffy. Before the last throes of death were over he had all four shoes off; he handed them and the hammer to the awe-struck cowboy with the command: "Nail 'em on! Nail 'em on! Nail 'em on!"

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As the man bent to his task with feverish hurry, Warwick studied his back for an instant and then seemed to forget him and all other things except the slain horse, for he went and put his hand on the neck that would arch no more and talked:

"Poor old Selim! My good old Selim." And then he took his knife and cut a long tress from the sleet-crusted mane and put it inside his coat, just as Dunnel, the last nail driven, turned round to announce that all was ready.

In the feeble light of the candle flickering through the doorway, the face of Warwick appeared sheepishly sorrowful. But on a sudden his eyes narrowed and there came again the old tigerish look:

"Be at the polls to-morrow afternoon at half past five. I win or lose and the plains wins or loses Cattle Kingdom to-morrow. If you come and help me win, I will reward you. If not, I'll do the other thing."

He scrambled into the saddle and was off in the storm again. The night was yet pitch and a little way from the camp the draw he had followed from the fence ended in level ground. But he ungloved a hand and held it in the wind and guided his way accordingly.

After a time the horse stopped with a sudden jerk. Warwick got stiffly down and felt cautiously before him. He had come to Turkey

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creek canyon, as he knew he would if he kept to the south. He groped along the blackness of the brink with the rope from the saddle tied about his waist to save him if he fell.

Presently his feet touched sloping ground and he mounted again. After that he rode a long way in the bed of the gulch. At about two in the morning he came to another camp. He flung himself against the door and beat with his elbows, for his fingers and hands were so numb he could not get the pistol from his belt.

A youth, round-eyed as an owl, opened to admit him.

"Make a fire and put on the coffee pot. Get your horse saddled and if you do what I want it's twenty-five dollars in your pocket. If you don't, I'll kindle this shack as I leave."

The fire was soon going and the coffee pot let down on the blaze was singing. The stiffened Fabius warmed himself, with his hands and feet in the oven. The other ran out and brought a horse.

Warwick drank cup after cup of the steaming coffee and warmed and revived. The cowboy went to a cupboard and brought a big-bellied bottle. "Take some o' this here; hit'll stay with ye."

"Business is my whisky. Keep the bottle for yourself. Now find your way to the *Z—bar* headquarters before noon to-morrow and get hold of

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old Jack Swithen. Tell him I've been in the saddle since Saturday night and that I'm still riding. If he don't have the *Z—bar* vote for Maxon out at half past five to-morrow afternoon, I'll see the rope around his neck. Mind that — *the rope around his neck.* If you make it, you get twenty-five."

He went out and, remounting, rode with the other a little way. As their horses drew apart, Warwick called again: "Your vote has got to go in, too, or you don't get a red."

Morning broke gray with storm, blinding at times with long swirls of snow and sleet. He entered a wide draw and following it as it dipped lower and lower he came at last to the headquarters of the *CC.* His face was terribly drawn now and bitten, too, with the cold; his movement was jerky and uncertain as he staggered to the door of the kitchen; his voice was high and hollow as, stumbling in, he called:

"Fix me a hot breakfast quick. Send a man to blanket and feed my horse. Bring Collins here."

Cowboys waiting for breakfast ran his various errands. He sank into a chair beside the stove. Collins, the range boss, came, and with a look of amazement, questioned:

"Name o' God, whut's up?"

"The election. The election. I want you and

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all your men who are fit to vote, to be at the polls here at half past five."

"Warwick, you don't mean you rid all the way up from yer ranch through this storm last night to tell me that; after tellin' last week, it wuz all off?"

Warwick yawned — and told of his ride.

Collins rubbed his hands and gazed at the other in amazement.

"Say, after such a heat you won't be able to leave this place fur a week after the election is heard from. It's a God's pity a man would make a trip like that and then have to lay abed over it."

Warwick stared at him contemptuously. When he was warmed he ate his breakfast and then to the amazement of the whole headquarters once more buttoned up the fur coat and called for his horse.

"What in thunder now? Man, you will kill yourself."

"I can't vote in this precinct. I'd be a fool to ride night and day to ask other men out and then lie down myself."

A wild cheer followed him as he headed away toward the county seat. All day as he rode the storm grew in violence and the cold cut deeper. Moreover, the horse, hastily shod by Dunnel, had cast a shoe about noon. It appeared that in spite of all his efforts he might not gain the polling

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place in time to vote. But just as darkness was falling, a lull in the wind, that let down the curtains of storm, came, and looking ahead he saw a wall tent where once the courthouse stood. The distance seemed many miles and he pulled out his watch and saw it was five o'clock. Then he put spurs to the jaded horse.

For a mile and a half the crippled brute held his feet well despite the lost shoe, but weariness and continual slipping on the sleeted ground at last won and he fell. Warwick barely escaped being caught beneath. Raging, he beat the animal until it tried to rise. But it could not rise. He looked at it a moment and then at his watch. It was half past five and the goal was a mile and a half away. He turned and started to run. But the long tails of his fur-lined coat wrapped about his legs and tripped him, while his boot soles slipped like skate runners on the sleet. At last he fell down, but he sat up quickly and drawing his pocket knife bobbed off the tails of the coat a little above his knees. Instantly he fell to cursing himself for the thriftless folly of failing simply to throw off the garment, which any of his men might easily come back and find. But he picked up the pieces of costly fur with the smile of the salvage hunter and bound them on his feet with strings cut from the housing of his saddle. Now

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he was unhampered and also shod. He rose and ran.

The winner of no race since the days of the Olympic games received such an ovation as did he when he stumbled through the flap of the polling tent. His men were there, leaderless in the moment of an issue which would mark an epoch in the history of that industry with which their lives and fortunes were knitted. Supported by his grim and desperate presence they felt themselves victors beyond all doubt. They went mad with delight, with admiration for their unconquerable captain. They fired their pistols above the heads of the judges of election; they trod their hats to pieces on the ground; they yelled like demons in delirium. Through the smoke, the noise and leaping forms, the cattle king, ten times more terrific of appearance than the whole mad throng, tottered to the pine table on which the ballot box rested. He snatched a Maxon ballot and thrust it in, just as the judges rose to announce the closing of the polls.

The cheerers crowded round to lift and bear him on their shoulders, but he pushed them back and with a grim smile informed them: "I work — you are the ones to do the shouting. Shout away." And turning to the corner of the tent where a pile of saddles and blankets lay, he flung himself down and went instantly to sleep.

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CHAPTER XV

MAXON was elected by one vote. The news of this disaster reached the friends of Burns amidst a storm of unheard-of intensity. Whereat cowboys from the windows of the bunk house at the *KK* headquarters and settlers from the windows of their shacks stared out into the whirling desolation that hid the world, and muttered: "Warwick is worse than all the storms that blow." And before his irresistible fame their hopes for Burns went down altogether.

When at length the blizzard had spent itself and it became possible for men to travel the drifted trails, settlers came flocking to the *Double K*. If they despised Colonel March for the action he had taken at the trial, they dissembled their feeling. They were obsequious, for they wanted him to buy their settlement rights at a fraction of the filing fees and their few cattle left from the ravages of the cold at half their value. They begged him to assist them in this sacrifice, that they might go away forever from a land where, terrible as its storms were, the masters were yet more terrible. They told of their children frost-bitten in

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their homes. Their eyes spoke with the convincing eloquence of hunger.

To all of them his answer was the same: "I would if I could; but I myself have nothing left. Warwick bought the mortgage which Gorman held against me. It is due in the spring. With all the losses I have incurred in the storm I can never pay him now. He will foreclose. I could only give my notes in payment. My notes will never be good again." And he would bow his head in the silent mortification of the proud man who has failed. Whereupon they would go away only to return again in a few days, pleading one foolish excuse or another.

Always when they left the big front room, Nell — a very angel of kindness she was to them — was waiting in the hall to ask for their wives and their little ones. Always, too, she had some little thing or other to give them — a bit of bacon, a package of coffee, a bundle of clothing. She knew the direst needs in every home. But yet she gave more, a thousand times; she cheered and sympathized away the blind agony of their desperation.

Despair endured had been transmuted in the alembic of her heart to that divine attribute of the few — to a magic touchstone, likewise gifted to transmute the sorrows of others into patience to

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endure. That miracle had not been wrought either by the mere anxiety she knew at all the failures on behalf of Burns.

Two weeks after she had bidden him that strange farewell as they were taking him away to the penitentiary, she received a letter from him, written while on his way. That letter was so matter of fact, so simple, that in many ways it seemed even to her, bald, and yet so strangely unfinal in its every phrase that between the lines she seemed to read an obliquity too dark to be hinted. She had written in frightened appeal to him immediately. The answer had come back yet more oblique. It contained no confession of the guilt of Hamilton's death, yet it avoided every question she had asked. She tried to disbelieve it, but the words were written in the same unmistakable hand she knew was his; the phrases were all turned in his own characteristic way. Now hers was the love that once given can never be recalled. To its object, no matter what might happen, it must cleave. No matter what the revolt of her soul at belief in his baseness now, she knew the sacredness of her own surrender and would hold it inviolate. Her nature, like the dreamed steel of the sword makers of Damascus, strengthened itself the more with every strain and shock.

As the month of January wore away, diphtheria

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broke out in Jed Markell's family. His wife died; his six little children, for Jed himself fell ill, were perishing for the want of ordinary care. When word of this came to Nell, she went up to that hovel in the snow-clad amphitheatre and nursed the father and four of the children back to life. Two she buried in the unfrozen earth beneath the mighty cliff. At last, when that household could spare her, another needed her assistance. Mason's family, a long way up the river, had also been stricken by the disease. As she was leaving Markell's, poor simple Jed, since he had nothing else to offer in payment, offered himself. She told him very gently that she was needed in other places, and that she would always be needed, just as she had been here. At that tears streamed down his cheeks and the fear for her struggled forth in blubbering speech: "Oh, it's a God's pity that they snaked John Burns away. They dass't to kill him fur 'e wuz too big to kill. The plains would a died fur him — jist as you would now. An', oh, Miss Nellie — fur the love o' God — don't give up like them ye've read about an' fling yer'self away in some ole convent. Don't do that."

As she rode slowly away on her pony he followed her further in order to assure: "Ye kin tell yer paw when ye see 'im agin, that I don't hold

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it aginst 'im no more about a shootin' my mule." At last she could thank him from the bottom of her heart and she went on.

When she had tided Mason's family through the worst of their attack, she went to another place and after that to another. The sick and the helplessly discouraged looked upon her everywhere as a very angel of mercy. They believed anew on God when they saw her. For they thought that only the hand of the Omnipotent saved her from the death she fought so well.

Now there was a man at Warwick's headquarters who had come there about the middle of December to commit forgeries. His name was Bedison and he was master not only of the pen but of words as well. He had begun life as a newspaper man of considerable ability, but he had burned up the chance of a career in the fires of drink. One night while on a spree he had forged a check so cleverly that afterward when he was brought into court, the court and the experts decided he must be an old offender from some other place. He was sentenced to the penitentiary for seven years. He served his term. It happened that Warwick was in Kansas City with a shipment of cattle, at the time the forger, announced by the newspapers, was coming back to his old haunts. The cattle king, who never missed a bit of news, hunted up the ex-convict and befriended him.

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Perhaps the act was charity; perhaps a bit of subconscious speculation — on the theory that a man of Bedison's attainments and weaknesses might some time come handy to the benefactor. At any rate, when Warwick sent for him, Bedison came. He forged letters in Burns' handwriting to Nell at Warwick's dictation and under the same subtle direction he forged in her hand to John. Mexican Pete, postmaster at Station Ten, assisted to the extent of manipulating the post marks. Now Bedison perhaps enjoyed all this; there is pleasure in the exercise of skill, no matter if the object be wrong; there was satisfaction, too, in earning money and returning at the same time, a long-time obligation. Undoubtedly Bedison had tasted all the dregs of life and perhaps he had chosen them. But after all, the ultimate ideals of all men, no matter how low they fall, are yet lofty. The felon and the free miscreant alike dream of some far-off day when they will lead truly noble lives; and the chief difference between a good man and a bad is that the one has the courage to do just what the other knows, but cannot dare to try.

To Bedison, no doubt, the spectacle of Nell's lofty sacrifice was like some light out of the heavens illuminating all of his deferred and forgotten aims. Perhaps he saw this as his last chance for the heroic stand he would make. At any rate, he sat down at the flat-topped table in the south

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room one afternoon and avoiding Warwick's possible interruptions and espionage, wrote 1,500 words of copy that began: "The manhood of the plains is dead. But for the heroism of one woman who has suffered the very fires of hell, society here would be the counterpart of that in those grim days when to be the greatest savage was to be the greatest king." From that all embodying paragraph he explained the situation as he saw it. His words rang with the wild recklessness that had so completely marred his life. His sentences were swift epitomes of broken lives. Yet the tale was so fashioned from the iron of truth that it struck with all the crushing force of a volley of cannon balls. Against that tremendous arraignment none might doubt. But of his forgery poor Bedison never said a word.

He mailed his story next day at Mexican Pete's and made sure of its passing safely on by telling Warwick he had written something for the newspapers which would help the cause of the cow men.

After some weeks, the article, going first through a news syndicate, came out in a hundred newspapers. One of these about the second week in February came to Warwick. He read the dispatch and then without a word of question ordered Bedison to go. The writer, knowing that no privilege would be granted, asked none, and gathering his miserable belongings into a handkerchief,

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slung them across his shoulders and set grimly out toward Station Ten on foot. Station Ten was thirty-five miles away, it was nearing night and a storm was at hand. Bedison, as well as those who watched him leave, knew what would happen to him. But he strode away with lifted head and the step of a conqueror. A few days later, the madman Marmon found his body frozen stiff and dead beside the trail.

That the achievement of Bedison availed aught was due to the fact that an old miner in Leadville happened to read his dispatch. The name of this miner was Kempton. In his younger days he had known and fairly worshiped Colonel March. From the Colonel he reckoned all his fortunes, too, because it was the Colonel who loaned him the money on which he went from a Missouri farm to the Black Hills. In those same hills Kempton had stumbled upon a fortune; and, being an ignorant lad and generous, he had tried to make March a present of half he had found. But the Colonel, prouder than a nabob, had resented the gift and had sent the mistaken argonaut away with no explanation but the strongly expressed desire to see him no more.

When Kempton read that dispatch he sat down and wrote a long letter to the Colonel, the letter he had wished for twenty years to write. When the Colonel's reply came, Kempton went down to his

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bank and drew twenty thousand dollars in eastern exchange. He mailed it with a letter which read:

" Deer jim no they haint no Friends like the ole wons keep this money till it is handy to pay back if not let it go. seeing it was your dotter as fetched me the word you might say by a doing them things the feller wrote give her the two thousand check that is seperate an oblige, your obed't servant,

" Porphyry Kempton."

This enclosure reached the Colonel and, being magic, instantly made another man of him. He was worth mention again. He wrote a long and tearful letter to his old friend and another to John Burns. But the letter to Burns came into Warwick's hands. However, that made no difference to the Colonel, for he did not know of it. So generous was he in his happiness that he might even have forgiven him. But since his generosity must find objects, he sent old Martin to ride everywhere and call in the settlers. When they came, he made them a great and flamboyant speech, which closed with an invitation to them to go up to Mexican Pete's and buy whatever they wished, charging it to his account.

Nell took the two thousand dollars sent for her and after a long night's thought she sent Dicky McGann to Mobeetie with a letter for Judge Wil-

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liams. Dicky brought back a cheering note in which the judge stated that with two thousand dollars he was certain an appeal could be secured or the Supreme Court forced to advance the calendar under one of those delightful fictions which abound so plentifully in the law when it is worth a lawyer's time to hunt for them.

A few days later, the Colonel rode up to the *Circle Heart* headquarters and took away Warwick's chief bludgeon against the *Double K* — that mortgage which old Gorman had once held. Nell, seeing in all this the beginnings of hope for her dearest cause, feeling, too, that somehow yet other and darker troubles might be mended even as these, remembered Bedison with all the gratitude of her heart. And not satisfied with merely remembering him, she sent off a bit of her two thousand dollars to a stone cutter in Fort Worth for a little slab of marble to mark the writer's grave and her appreciation of his deed.

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CHAPTER XVI

SOME time in every honest struggle, Fate, or Circumstance or Providence — call it what you will — comes to relieve and cheer, regardless of the ultimate issue. The laws of creation, transcending the laws of man, provide for every contingency in the lives of those who would obey. Even the foredoomed failure has his hours of bright hope, as, touching elbows with the acknowledged success, he marches with him toward the rest which each shall know. Then all the bitterness is forgotten. Then faith, like the grass which rises out of death in spring, comes back to life fairer and more beautiful than it can ever be again.

It was an April day; the sun shone kindly, masses of foam-white clouds floated on the deep blue of the sky with all the brave assurance and bold hope of full-sailed ships sweeping a calm sea; even the mirages seemed hiding the prospect only to delight, for when they lifted they disclosed a plain as freshly green as a clipped and watered lawn. Up from the canyon wafted the piquant perfume of the wild crab apple and the twittering songs of mating birds.

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Under the spell of it all, Nell drove that day in the wagon with old Martin and Dicky McGann, up along the river and past Station Ten and beyond on the trail toward the headquarters of the *Circle Heart.* They were going to Bedison's grave beside the trail, in order to put up his tombstone.

The girl's relief had come to her in a later communication from Judge Williams. The judge had canvassed the situation as regarded Burns and having discovered a dozen grounds for an appeal, gave it as his unqualified opinion that a new trial would be granted. No doubt whatever! He did not explain how this was to be effected; but that did not matter. She was content to take the assurance without question. Her happiness for the moment and her trust for all the future was sufficient.

Old Martin had at last settled the stone in line with his row of stakes; Dicky had nailed tight into the post the last staple over the last string of barbed wire around the grave plot and she was planting a bit of "liveforever" on the mound; all of them were talking in hushed voices of the dead beneath, when rousing to the pad pad of an approaching horse, they all looked up.

Warwick was just reining to a halt not a dozen yards away.

Nell's first impulse was of terror. But under

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this open sky, where all was so beautiful; even beside this grave, where death had really been kind; and with all the reawakened hope in her young heart — with all the gratitude which came of it — she could not fear. Strangely, too, her sympathy, wide as the world through her own suffering, went out to the grim and inscrutable intruder. She bowed to him in kindly and forgiving recognition.

At that, as if some strange power had touched him, his head went down and something like sorrow seemed to haunt his averted face.

Impulsively she stepped toward him, but then drew back. He dismounted and leaving his horse, approached in humbleness.

"I am sorry," he said simply, "for all I've done." And he seemed to struggle ineffectually for words. He bowed like one who, craving pardon, sees no extenuation and pleads none. Then, as he stood with his magnificent head bent and uncovered, with his mighty brow inclined until his cavernous eyes seemed lost in pleading and all the aggressive power of his lower face seemed shrinking in abashment, there clung about him the indescribable pathos of magnificence humbled, prefiguring the dust to which even the greatest must return. And the girl, thinking only of the things she knew of him, looked with gray eyes softly shining and

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with all of youth's and woman's goodness in her face. The breath of the wind that wafted the distant singing of the birds was not gentler than her voice, as like a goddess or a child she answered: "There would never be any wrong, if people only stopped to think."

Old Martin, who had not forgiven Nell for her flippant farewell to Burns, stared angrily at this generosity toward his foe. He snorted angrily: "Miss, we better be a goin'. This yere ole snooks kin fair twist the devil himself around his little finger."

Warwick's bowed head bowed lower. Nell, rousing sharply at the cowboy's speech, stood for an instant in doubt. Then the accused one looked up gravely; gravely he declared: "He is a good and wise friend. I have nothing to say against him or his counsel. Had it not been for him you might not have had that last hour the night that court was closed." It was as if he had made a slip of the tongue. He uttered the dumb apology of the eyes. Old Martin, divining that she had tricked him to compromise herself, stared at her contemptuously. Warwick began anew: "I'm sorry for the things I've done. You know that that young friend of yours came to many of his misfortunes through some of the indirections of acts of mine. Through them I feel that I have injured you. I do not know that you are responsible for

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the change which has come upon me compelling cognizance of my responsibility. But something has changed me. From this moment I look back upon my life with a strangely new perception. I have wrecked hopes and fair ambitions by the thousand. I have sacrificed fortunes and homes and lives, more yet, the very honors and the souls of many, many men. I have done them not in cold blood or in a murderous way, but in cold business, which is colder than the ways of murder. Mine has been the theory that, 'to the workman, belong the tools.' I regret that now. Here, but a little while ago, when your forgiveness surprised me, like a blow, I saw myself just as I fancy you beheld me — an old and wicked man whom only God can forgive. But when it had dawned on me that after all, man could forgive; then something stirred in me that never stirred before. Now, though my heart is cold as ever, I believe that which I never did believe before. Forgiveness, which I had despised as but the folly of weak fools, I honor now, for now, I recognize its truth." And as if he had explained himself sufficiently, he lifted his head in the old kingly way and again he was himself — stupendous of mind, inscrutable of purpose, commanding. In a voice vibrant with a kindliness that showed nowhere in his countenance, he confessed: "If ever I directly slew a man, it was this Bedison. I brought him here to be my

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press agent in the anti-settler campaign. I drove him away when I learned that he had betrayed the trust and the obligation he had solemnly pledged himself to discharge. I regarded him as a traitor. Now you have come here to-day to keep alive his memory and because of your act I see him now as I now see myself — the victim of an end that held the means too lightly. You have taught me to-day what the world has failed to teach, and I will repay you by stopping your worry about Burns. I will force Judge Maxon to grant another trial, and what's more, I'll see to it that this trial is a fair one. Wait!" He hesitated a moment. "There is a swifter course. Williams was not confirmed; the Legislature decided that he never was a judge. On that ground, then, the commitment papers drawn by him are void. We will have the prisoner remanded to this court for sentence. A lawyer should have thought of that before. I will go on to Station Ten and write a letter to the Governor."

"Oh," she smiled through tears of happiness. "Oh, thank you. Thank you. I will remember this of you always, how you are good and kind after all."

He laughed melodiously: "Until now, then, you had some doubts."

"But I have none now."

He bowed, and then coming forward, held out

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his hand. She took it. "I pledge you my honor," he said, "that before many days he shall come back — that is, if he cares to come back."

She did not understand what he meant and the question shone in her eyes.

"I mean," he explained gravely, "that while you and I may wish his return, he may regard the matter in a different light. I do not insinuate or seek to insinuate anything against him. I only wish you to understand that as far as it lies in my power, the opportunity for him to return will be given."

She withdrew her hand, for now she was beginning to feel a vague uneasiness.

"There! there!" he chided gently. "Pardon an old man whose habits of thought follow only the lines of cold logic. I was selfish, as I always am. I only wished to promise just what lies in my power. You understand?"

"Yes, I think I do," she answered reassuringly, as if she had been reassured. Yet she wondered over a foolish detail of his speech. Why had he twice spoken of himself as an old man? For he was not old.

He turned, and mounting, galloped on down the trail.

By all rules of reasoning she should have been happier than ever, now that the only person in the world who had wronged those dearest to her, had

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just volunteered to make all possible atonement. But strangely enough, she was unhappy, though she had been happy before he came.

When, however, just at dusk, she and the boys were passing Mexican Pete's, her disquiet ended. For the cattle king came out on the stoop and said: "I told you I would write. I will do more. To-morrow I will start for a personal conference with the Governor. As soon as you get home, send one of your men with a message to Judge Williams, advising him to meet me either at Fort Worth or Austin."

If she had had any doubts, this could not have failed to dispel them. She thanked Warwick, and then turning to Martin, who held the lines, ordered him to drive home as fast as the horses could go. As they swung through the dark sweeps of the canyon, whirling round the sharp turns at full speed with never a mishap, it seemed to her that their ride exemplified the fate and the fortunes of Burns. So when at last the team swung up into the arm of the valley and headed for the ranch house all aglow with light, she felt that all must end as happily for him; and just as she was now coming, so would he soon be coming home.

She allowed Dicky McGann to start with the message, half an hour after he had eaten his supper. Mobeetie was a trifle more than a hun-

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dred miles away, but the boy assured her he would ride the whole distance in ten hours. Wherefore again she was happy. And she sat at her window for a long time that night, her heart full of hope as serene as the stars overhead.

Next day, the Colonel — his own recent escape from trouble had filled him with a desire to liberate everyone else — called Nell into the big front room to tell her that he would never again misunderstand Burns. He even summoned Aunt Hattie and insisted on her acquiescence in his plan for welcoming the unfortunate manager. He was going to give a great dinner to the whole plains. And the whole plains should come and do honor to the man, who, but a little while ago, had been led away with the rope of the hangman around his neck. There would be speech-making. Already the Colonel had a great many things in mind which would sway the audience. Aunt Hattie, who could respond to no enthusiasms save his, grew enthusiastic and even kissed Nell.

They went to work, too — that is, Nell went to work — to have things ready against his return. She opened his room in the bunk house and cleared and swept the floor. She arranged his books on the table; she put curtains up at his window and contrived a host of little beauties out of what before had been one huge and dusty chaos of old boots, weapons, spurs, books and bits

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of rope. While she worked she sang, but often she would pause in her song to smile at the folly of all this preparation when at the earliest it would be impossible for Burns to come to it before the end of another month. And when she had smiled she would laugh and toss her head and resume her song, and the song would rise airily and fall then gently in the cadences that fill the heart of one who waits, assured.

But at night old man Hamilton came riding up to the headquarters, his blue eyes fairly aflame. In the presence of Nell and the Colonel — he insisted on a formal audience — he ran his fingers through the mop of his gray hair, and trembling with excitement, declared: "Warwick is a winnin' the people back to 'im. You a nussin' the sick weaned 'em away a little bit; but now 'es turned front an' ever one's ready to foller him. They say that you hev kinder throwed in with whut 'e aims to do fur Burns. Kin that be so?"

"Yes," Nell answered simply; "he has promised to have Mr. Burns brought back. He has gone to see the Governor and I have sent word to Judge Williams to go and meet him there or on the way."

"Um — umm," the settler answered somberly; "p'raps it's in the young to furgit everything. But I have lost a son and a friend that I swore to stay by through thick an' thin. An' when hit

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come about, Warwick wuz his only enemy. People wuz a beginnin' to turn aginst Warwick ontil yisterday. I cain't furgit; I won't furgive. There's somethin' crooked in all this. The people would a forced things in another month. Now 'es a leadin' 'em." And he stared gloomily at her.

"Mr. Warwick admitted to me yesterday that he had done many wicked things but he said he was sorry for them now," she replied, unshaken in her faith.

"So's all wicked men sorry when the world begins to turn agin 'em. They're sorry fur theirselves an' no one else. Somethin' worse'n ever will come o' this." His voice was warning.

She made no reply, for she saw that nothing could convince. Moreover, further discussion of the matter threatened her own faith.

Presently he took leave and she was glad to see him go. But that night she did not sleep and next day she found fresh food for doubt and worry. Passing cowboys and idling settlers drifted to the ranch in numbers. All of them talked of Warwick's sudden determination to help Burns as if it were the greatest thing that had ever happened anywhere; and curiously enough — this was the disconcerting part of it — they hinted that Burns might not after all really wish to come back.

The next day it was the same, only that more of these visitors dropped in and talked in specific

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terms. They did not see why Burns would want to return even if he were innocent; but that was because they thought him guilty. They believed that were he innocent, Warwick would never dare to bring him back. And the force of this reasoning struck her cruelly.

Late in the afternoon of the following day, Dicky McGann and Judge Williams came riding to the headquarters much as old man Hamilton had come a few evenings before.

Nell met them on the stoop and saw the climax of her fears shining from their eyes and heard it worded beyond quibble in the judge's speech: "Warwick has taken this dodge with the adroitness of the very fiend himself. By the annulment of the commitment papers he will at the same stroke render void my action in the inquest on the body of Berdan. A new inquest will be called by Maxon. Burns will be charged with a murder, which though not a murder, was committed in the sight of a hundred men. Against that, no power under heaven can prevent their making the other conviction stand. If we fight it, we can only keep him in the penitentiary. Now he can never be free unless in some way we can stop the Governor from taking the action Warwick has gone with all his eloquence and influence to bring about." When he had spoken he got from his horse and, though cramped from many hours in

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the saddle, he paced up and down before the stoop in the swift and jerky stride of a man who for the first time has completely surrendered to the panic of inevitable calamity.

He paused presently in his excitement, and turning back to them exclaimed: "There is but one way, and even that, perhaps, plays to the hand of Warwick. Yet it is the only way. You and your father and every other one who cares for Burns, must start this very night with a petition asking the Governor that the prisoner be left, just as he is, under sentence. Oh, the accursed irony of it! We must appear traitors; yes, and bear the stigma of the appearance, too."

"But why? How? Surely, judge, there must be some great mistake in what you think?" she tried to argue. "They told me Berdan was not really a deputy. Masongale had discharged him."

"So Masongale had; but Masongale had not entered the matter on his books; anyhow, the books are destroyed. There are no records against the scoundrels. They can either hush Masongale, or else outswear him. Either way it's the murder of an officer on duty. The state knows no excuse or palliation for that offense."

"But Mr. Warwick," she faltered; "I believed him."

"Yes," he assented with a kindness that broke from his gloomy troublings like a ray of sunshine

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through a storm; "yes, and that was well for all of us you did. Had you not sent me word, he would have trapped us without warning."

"Oh, but he sent me to you. Can you not see that you misjudge him all along?"

"No!" he declared with the vehemence of one who argues against indisputable statements; "no, not at all. I do see now that whatever we do he will have anticipated. Oh, the irony of it! The bitter irony!" And he once more fell to walking up and down.

She watched him for a long time, and then she herself began to see the the situation as he saw it. "But," she protested; "there is no irony in it. We will make it plain in the petitions."

"What?" he interrogated impatiently. "What form of wisdom would it be to carry a petition to the Governor, who never half examines anything — except what shows before him on the paper — asking him to keep a man in the penitentiary in order that that man might not be brought for trial on other and more serious charges?"

"But," she persisted; "we can make it plain to those we ask to sign."

"Aye, perhaps we might venture that with a few. But to the most of them we will simply be obliged to pretend that we fear his return. If we appear acting in sympathy with the avowed desire of Warwick, not a settler will assist. The old

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cry against the united cattle kings will be raised. On the other hand, when Warwick returns, not a single cowboy outside of the *Double K* will support us. He has all the others under his thumb."

That night a dozen riders galloped away in the darkness from the headquarters. Each man bore a petition to the Governor, asking him not to intercede in the case of one John Burns. The reason set forth was that the said prisoner had been tried and adjudged in the constituted court of the plains. Nell and the Colonel had signed each paper for the influence their names would carry.

Next day, the girl, convinced at last to the jurist's fiction of expedience, carried a petition herself to the homes of settlers whom she had befriended. But even in the very houses where only a little while before she risked her life to care for the sick and dying, she encountered a prying curiosity bred of sudden suspicion. If she tried to explain the necessity of the petition, they asked why the reason had been hidden under an apparent lie. When she attempted to answer, they laughed incredulously. However, no one refused to sign. Yet she knew instinctively that they put down their names merely because they feared she would remind them of their past obligation to her. Jed Markell, who made his mark, stared at her strangely and observed: "Hit's almighty easy fur a woman to change 'er

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mind about a feller. They say ye look at things a powerful sight as Warwick does right now."

After that she went home, sick with the poison of ingratitude. Going to her room, she wrote a long letter to Burns, saying to him only the things she could now say. She merely explained the reason for the apparent falsity of herself and all his friends. It was the first letter she had written him in weeks. She had been unable to write of late, for the last letter she had had from him was one old Martin brought her on the day Marmon had found the body of Bedison frozen beside the trail. That letter had been pitiless in its aloofness to all her fears.

Now as she tucked the message away in her bosom with the dim hope that this might bring a reply, a swift suspicion that the mails miscarried came into her mind. But she forgot that instantly, for her father was calling from the foot of the stairs: "The boys have all come back. We will paste the petitions together and send Dicky away with them at once."

She hurried down and helped them to paste the dozen sheets into one long roll. Dicky, standing on the stoop at the front door holding the reins at which a black and mighty outlaw tugged, kept urging haste. The judge, snatching up the document rolled and tied at last, ran down the hallway. Dicky sprang into the saddle. He caught

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the papers, thrust them in his blouse, and the black outlaw, free at last to go, hurled down the river trail at a plunging run. Nell shouted after him to take her letter. But the horse had struck his famed stride and Dicky, leaning far forward, heard nothing but the wind that whistled in his ears.

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CHAPTER XVII

THE morning after Dicky's hasty departure, Judge Williams left the ranch for the purpose of going among the settlers to explain away the apparent duplicity of Burns' friends at the *Double K*. He took Nell's letter and that day posted it at Station Ten. More than a week passed, but no word from either the letter or the petitions came. By that time, too, the judge gave up his mission, for not a settler would give him complete credence. A rumor came to the ranch that Warwick had secured the pardon of Burns, but that Burns on gaining his freedom had run away.

And then one afternoon old Martin, who had gone to the post office, rode up to the stoop where the judge, the Colonel and Nell were sitting in disconsolate silence. The cowboy, who could barely bring himself to speak to her, handed down a letter with the grimmest of grim smiles. She opened the envelope mechanically, for the handwriting was unfamiliar and the post mark had been put on at Kansas City. The contents could mean nothing. But she had not perused three

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lines before she sprang up in the greatest excitement and then sat down again to finish the reading as quickly as possible. The letter ran:

MY DEAR MISS MARCH:

A letter just received from Judge Maxon in reply to an inquiry of mine concerning my long-lost son, John Burns, informs me that he worked on your father's ranch for a number of years and that you grew up with him from childhood. While I do not understand from this judge — he seems a very ignorant and prejudiced person — that you are yet friendly to my boy, I do trust that for the sake of an old and widowed mother you would write me fully of all the facts which you may conceive as pertinent to his case.

I only learned of his whereabouts through a newspaper dispatch which told the story of his crime as a sidelight on the romance of your own life. Thinking not to annoy you, I wrote Judge Maxon first. His reply was so unkindly brief, containing no suggestion but that I write you, that in my desperation I have presumed to beg your indulgence. I particularly desire your advice in the following matter: A very able attorney here in the city has recommended that I come personally to the plains, preferably to you, to secure enough names on a petition to the Governor to procure a pardon. He says that in your

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part of the country a mother's pleading can overcome almost anything, even the law. I hope this is true, for I want to save my boy, no matter what he has done. I need him very badly.

Now I wish you would write at once if you can bring yourself to do so, advising me fully as possible on the chances of my succeeding with a petition for his pardon. I would come on without waiting for this, but the truth is I am so nearly destitute that I cannot think of spending the money for that trip unless it would seem certain of at least a good chance for success.

Forgive this cold selfishness. Poverty and many disappointments have blunted and dulled all the fine and noble things in me. Yet I love my boy. I must save him if I can. Yes, now I might bring him back to me. Write quickly, for I can barely endure the waiting that is even necessary. I have counted the hours it takes for a letter to reach Station Ten from here and I have counted on the time it might take you to get a letter back into the mail. I will therefore look for an answer eight days hence. Pray do not disappoint me.

Trustingly yours,

MRS. JANE BURNS.

In silence she handed the letter to the judge. He read it carefully and then gave it to the Col-

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onel. For each word the Colonel read, he delivered a dozen in comment. He sympathized, he doubted, he shed tears, he upbraided and at last finished in a burst of downright anger. What sort of woman must she be to allow poverty and disappointment to blunt the instincts of motherhood as far as that?

But the judge had seen into the secret places of a great many lives, as it is given to lawyers and doctors, to see; wherefore he understood the destroying force of time and want, in the hearts of men and women; moreover, he had seen the Colonel, not so long ago, altogether childish, merely in the presence of possible poverty. So he only smiled and said that it was not a question of the writer's character, but of her environment. He considered her worthy of their assistance and after a moment of further reflection he exclaimed: "She might be able to secure his pardon. Through her we might, after all, checkmate Warwick. Yes, if she could do that, we would have him beaten. And," he added with a sly smile at the Colonel, "we would be altogether unselfish, wouldn't we, in using her in that way?"

They read the epistle with a new interest. They commented on the strange occurrences in life; particularizing on the remarkable effects which Bedison's last dispatch had produced. The judge, growing eloquent, in his faith that the

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right must win — sure now that it would win — proved beyond question how the most cunning artifices of scoundreldom prove in the end only snares for the very ones who laid them. And the Colonel quoted from the Scriptures about the fate of those who dig pits for others.

Finally when the cook had called them to supper for the tenth time, they went in and after a few mouthfuls of food repaired to the front room. There Nell seated herself at the Colonel's desk and with the assistance of the others, composed a reply to Mrs. Burns' letter. She was urged to come as quickly as possible. Lest the poverty of which she had spoken might occasion delay, the Colonel enclosed a check for $100. Moreover, lest the post office at Station Ten might neglect the letter, Martin started with it that very night on the way to Mobeetie.

When he was gone they all returned to their chairs and talked for hours; now in fear lest Warwick had prevailed; now hopefully in the thought that McGann had reached his destination and again wonderingly; for they had never before dreamed that the mother of John Burns could be alive. From that they began recalling the vague recollections he had told of his childhood. Warwick's statement to Nell that Chaves was the father of Burns came up also for consideration. They strove to conjecture how well Mrs.

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Burns might succeed with a petition and with a pang they realized how inconsistent their own petition must seem to her. These and a thousand other questions rose, but since only Mrs. Burns herself could make certain answer, the speculators left their speculations and went to their beds.

The next ten days were filled with wild uncertainty. All sorts of apparently authentic rumors came. Warwick had returned, beaten. Again, Mexican Pete had heard him say that Burns would be remanded for immediate trial. Another, that Warwick had gone to Huntsville and found the prisoner dying of consumption. But on the eve of the eleventh day, Dicky McGann rode slowly up from the river trail on the black outlaw and gave a strange account of himself.

Dicky had reached the capital in due time and had immediately presented himself at the door of the Governor's mansion, just as the judge had ordered him. In the midst of an altercation with the butler, a young lady for whom Dicky had no words of description adequate, had come out. She had settled the disturbance by dismissing the servant and had then informed the messenger that she was the Governor's daughter. The judge grew instantly suspicious at this point in the recital and demanded to know just what the young woman was like. Dicky could hardly suggest

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anything more than that "She carried herse'f as proud an' grand even as Warwick and somehow her face made ye think o' him, but beautifuller than any pitcher that ever wuz." After this preposterous word picture he went on to say that she had taken the petition and had promised to give it to her father.

When he was asked why he had been gone so long, he admitted that he had hung around the capital two whole days in the hope of again seeing his charmer.

"Did you see her again?" the judge demanded.

He admitted that he had not.

"Why didn't you go and see the Governor then and make sure he had gotten the papers?"

The impossibility of doubting the young lady who carried herself as proud and grand as Warwick was all the defense Dicky could muster. With a dry grimace the judge observed: "I know the Governor and his family. He never had any daughter. Some house maid cozened you out of that petition merely to get rid of you. Bah, you simpleton! She has probably cut it into strips for curl papers or else wadded it up to make herself a bustle." But when the others laughed at this ingeniously dubious theory he also laughed and they all contented themselves with the hope that a girl who could carry herself with such a

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grand air would have the wit to put the paper into the Governor's hands.

The next day their hope was justified, for Warwick, a picture of annoyance, rode up before the stoop on which Nell was standing — waiting for a letter from Mrs. Burns. The cattle king touched his hat and then without dismounting demanded severely: "Why did you circulate that petition?"

Nell did not answer, but putting her hands helplessly up against the door post, she hid her face half shamedly in her arms. To doubt Warwick's honesty in Warwick's presence required long experience of his ways; she had not merely doubted, she had broken her implied promises to him. While she stood seeking to frame an adequate reply, the Colonel came out and motioned the visitor to be gone. "We have nothing in common with you in this matter," he declared with a grand sweep of voice and arm.

"No," Warwick laughed; "we have not. Nothing on earth can save him from the scaffold now. You who have so loudly proclaimed his cause have sealed his ruin completely." He turned to Nell again: "Young lady, you did me the honor of believing that I acted honestly for Burns. You knew it was for your sake that I so acted. What other object could I have? The very foundations of the business which I have

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spent a dozen years in building, totter when that man walks here in the plains. It has been my province to walk a lone way, doubted everywhere by everyone, distrusted everywhere." He paused and his eyes lit with a sudden fierce intensity, he half rose in his stirrups and was poised a figure so splendidly daring that his words rang without braggadocio. "And I can go my way alone where even the strongest, backed and flanked on every side with friends, falter and turn back." But the fervor of his alluded ambition left him and a look of sadness overspread his countenance. He resumed kindly: "I do not wish to harass you with regrets. Yet I wish to know the truth in this matter, for it concerns me vitally. In order to know the truth from you I must first give you an account of my own efforts on his behalf. I went to the Governor as I promised. I laid the facts before him with all the influence it was in my power to command. He heard me and he signed papers for the prisoner's return. But before he had dispatched them, before I had left his office, a servant girl came in saying that a strange man had just a few minutes before left an important document for him. He opened it. It was your petition. What could I say? What could I offer in explanation? The half of all my argument had been your faith, your father's faith and Williams'

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faith in the prisoner's innocence. He laughed at me and said: 'Warwick, your reputation is a bad one everywhere. It's so bad that I have heard all about you.' And with that he tore up the papers he had made out and showed me the door. Now those are the facts. I do not wish to judge you as you judged me; therefore I would like an explanation of your conduct in this matter. Why did you circulate and send those petitions?" And there was something so sternly patient in his manner she dared not look at him.

But at that moment, Judge Williams, who had heard the speech from the front room where he had been sitting, came out to take a hand. He answered: "Because we knew you wanted Burns back here that you might at one stroke give a sop to the voters who thought him innocent and send him back convicted of the murder of Berdan."

The cattle king's somber blue eyes glowed intensely; the cruelty that lurked about his nose came out; his voice rasped with fury: "You! You did it, then. I will remember you." His countenance softened swiftly, a gentle smile seemed playing in his yellow beard, he looked forgivingly at Nell and yet with a certain meaning glance as he addressed her: "I can forgive you the whole matter. The heart that could not forgive your every act would be hard indeed. You hold the high faith which trusts all those who

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speak in the name of friendship. This simpleton was honest, but he was a simpleton just the same."

As his speech ended, his glowing eyes fixed themselves upon her face in a look she might not mistake. A shadow of fear crept into her own eyes, for a great and sudden fear of the man was clutching at her heart.

He turned abruptly to the Colonel and observed: "Well, March, your manager will return no more. I'm sorry, for if he could only have come back, our differences might have ended. Either you would have been convinced that he was not what you thought him, or else I would have been. One way or the other, the matter would have been settled for all time. I am sorry, for in any event the settlement of the question would have been useful." After this speech, so strangely commonplace for him, he bowed once more to Nell, removed his wide white hat and bowing low, reined round and galloped down the river trail.

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CHAPTER XVIII

ON the mail day following Warwick's appearance at the *Double K,* old Martin, who went up to Mexican Pete's to bring back the now over-due letter from Mrs. Burns, brought back the lady herself.

She was a rather large and stately sort of woman and she was dressed for a part other than her letter had indicated. However, poverty is always a relative term, anyhow; besides, the Colonel's $100 check had doubtless helped to buy the ostrich plume hat, the remarkably elaborate silk polonaise and velvet overskirt. Nell and the judge forgot the clothes, however, in contemplation of the woman herself. For she actually appeared in her own countenance. It was as if some fine piece of statuary had for a long time lain where damp and mold and other corroding forces had corrupted the very fiber of the marble without destroying the form. They pitied her. And pitying, they understood every phrase of the letter they had so disliked.

All of the miserable life which she must have experienced was hinted in her first words:

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"You'll think it strange that I am all dressed up this way, when I hadn't the money hardly to come on before you sent the check. But I haven't had a silk dress since my husband left me, more than twenty-two years ago. And I did want to look nice just for once before my boy. I wanted him to see that his old mother was a woman he needn't be ashamed of anywhere. Men are mighty easy to be displeased with a woman."

No one said anything to this; but Nell, with a woman's instinct, caught the weeping one in her arms and gave her such a rousing welcome as left no opportunity for further doleful reminiscence.

Then she took the stranger up to her own room, surrendering it for as long a time as — well, indefinitely. "But," she bargained, "you must come down as soon as you feel able to talk. We are dying to hear everything and to get started."

Mrs. Burns promised to be down within an hour and then began to cry softly.

Nell went back to the judge and her father. Because now she just had to talk.

They were all disappointed in the lady. Nell thought it the greatest pity that a woman of such obvious mentality and apparent refinement, had given away thus completely to sorrow and trouble. But the judge considered that view untenable; he regarded Mrs. Burns as too selfish a

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creature to have ever really known sorrow. And the Colonel, who was prone to swift though not always accurate judgments, astonished them both and shocked them, too, by raising the question of Mrs. Burns' authenticity. "Her eyes are the wrong color," he argued; "her eyes are gray. A gray-eyed woman always gets along well with a dark-eyed man. If she is the real mother of John Burns, Chaves, who was brown-eyed, would never have deserted her."

This startling deduction furnished Nell and the judge an excuse for laughter. Presently it furnished something else; for long before her hour was up, Mrs. Burns, greatly freshened in eye and complexion, came hesitatingly to the door and silently interrogated for admission. At the Colonel's nod she came in and to his abrupt question as to who was the father of John Burns, she answered sharply, that she had not come to the plains for the purpose of being insulted. The Colonel pondered her answer a long time; then as if he saw a great light, he got up suddenly and left the room. The judge retired precipitately after him.

"You must not mind papa," Nell coaxed her; "he is getting old, and besides, he never does think how a thing is going to sound before he says it. You see, there is a story current here that a man

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named Frank Chaves, who was killed at John's trial, was really John's father. You understand?"

"I suppose so," the woman returned with the intonation peculiar to persons who forgive merely because it is the polite thing to do, "I suppose so."

Now there seemed to be no way of continuing the conversation. So Nell tried a new lead: "Did you come by way of Huntsville?"

"No. Why should I come by that place?" And the gray eyes to which the Colonel had taken exception peered sharply.

"I didn't know," Nell replied, half fearful of the outcome, "but that you might have gone that way so as to have seen John. You must have been anxious to have seen him."

"I never thought of doing that. What good would that do toward getting him out?" she asked, in a voice so hard and dry that Nell fairly shivered.

"No," continued the older woman; "I did not go that way, though I would have, if I could have spared the money and the time. The main thing with me just now is to get him pardoned. If I can get him out of the penitentiary, I will have a claim on him that he can't ignore. Still," she broke off musingly, "I had a claim on my hus-

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band, too, but it did not hold." And she bowed her graying head apparently in deep and melancholy reminiscence.

"Oh," Nell pleaded gently, "please don't think of that now. Let us talk about something to help John. Judge Williams thinks it possible that you may get enough names to insure a pardon."

"Yes," the other returned pessimistically, "I suppose he does. He should. The man who brought me down here said that the judge and you had just finished circulating a petition, asking the Governor to keep my boy in jail. And," she went on now with accusing sarcasm, "I suppose all this was done to make it easier for me when I should come."

"No, we did that before I received your letter. We were afraid that Warwick would bring him back and have him tried on another charge. We had to prevent his return."

"Oh, I am to understand, then, that he is guilty, am I?" And she rose to her feet, her face flushing with anger.

"No! No! We do not believe him guilty of anything. But he killed a man in the court room, who just a little while before had been a deputy to the sheriff. It is what the judge calls a technical murder, but no crime. I do not understand it myself."

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"No? Neither do I," she observed coldly.

"We are anxious to help you secure the pardon," the girl ventured hopefully.

"Yes, I should think you ought to be, after what you have been doing."

Nell was on the verge of tears. This woman, in whom experience had reared distrust and suspicion against all species of advance, baffled the girl completely.

"Perhaps you would rather talk to the judge than to me? The judge understands all about the people and everything here. Shall I call him in?"

Mrs. Burns pondered. "No," she objected, "I would rather talk to you. To begin with, since everything has been put into a muddle by your petition, I want to ask you if you people really wanted John set free?"

Nell's pity was slowly giving way to disgust; yet she answered with all courtesy, explaining in detail why it had been necessary to prevent Warwick's coup. But as she explained, the face of the cattle king, just as it had looked when he sat on his horse before the door three days ago and forgave her for disbelieving him, appeared before her mind's eye. Doubt, elusive yet persistent, colored her thought and at times made vague her words.

Mrs. Burns turned sharply at this. All the keen

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intelligence that ordinarily seemed masked under her discontent and suspicion emerged; she was now a capable, courageous and determined woman, disconcertingly astute. She laughed disagreeably and then abruptly demanded: "Tell me all about the situation as you see it. Can you do that?"

Nell began with the coming of John and Shorty years and years ago; she sketched through rapidly until the time of the settlers. Then followed a systematic statement of all facts relevant. Supper was called before the girl had concluded her account of Burns' arrest. The two went into the dining-room, where the Colonel and the judge were awaiting them.

When the pudding was finished, all went back to the front room and Nell continued her recital. No question from Mrs. Burns interrupted, though as the tale unfolded her gray eyes grew brighter and her face sharpened. Not until the last afterthought of the girl's had been spoken, did the woman open her mouth, then she said: "I believe I see through it all. My son was perhaps entangled with Warwick and this man Chaves, of whom I never heard before. Warwick, in order to explain Chaves' interest and to provide an apology for John's intimacy with Chaves, has taken it upon himself to say that Chaves was the father of my boy. I suppose, for the same reason,

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Chaves, while pretending to shoot at Warwick, killed the judge, and then since he could not explain the thing he was trying to hide, himself met death at the hands of some outsider who did not know. For the same reason also I suppose this Berdan was put out of the way; he perhaps knew too much. For the same reason again, Warwick, realizing that public sentiment would demand the return or acquittal of my son, wished him brought back so as to send him to the gallows beyond any hope of recall; for my boy, like the others, probably knows a great deal too much." And she bowed her head in profound thought, but never once gave way to the least emotion. It was as if the woman had no feelings at all.

"I think you are wrong there," Nell began.

"Perhaps I am; but I am not one of the kind to ignore obvious difficulties when I start in to accomplish anything. I am determined to have my boy set free. I can take no chances; therefore I will not deceive myself."

And then, though she had destroyed all of their sympathy for herself, she straightway commanded their respect for her shrewdness and resolution; she outlined a course for obtaining the pardon that would have done credit to the intelligence of even a Warwick; there was a desperate boldness in it, too, that gave the final touch of genius. This last

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was nothing less than to go to the cattle king first of all and, under threat of exposing his past duplicity, force him to head the petition.

"You have even the resolution of your son," the judge commented admiringly; "he was the only one who ever dared Warwick openly."

She made no reply to this, but presently spoke in a dry and hard tone: "It is a pity that you people can not sign the new petition."

"Oh, but we wish to sign it," Nell declared anxiously.

"You should have thought of that before you signed the other. If your names appeared on this, I imagine they would be less than a benefit to it." And then, heedless of their protestations, she rose, smoothed the hair at her temples, asked the Colonel to furnish her with a team and driver next day, bade them a very chill good night, and went off to her own room.

"It seems," said the judge reflectively, "that we are to be kept in a false position. It's a strange thing to me that the woman will not understand."

"Let's not worry about our position," Nell observed gently; "that is of no consequence now. The thing to do is not to think of how we can justify ourselves, but how we can help her. It will all come right in the end."

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That recommendation was made their resolution.

Next morning, Mrs. Burns having slept on her plans, had, after the fashion of women and shrewd diplomats, decided on a slight change. It was her wish that Nell should accompany her. Nell was glad.

Wherefore, the two women an hour later clambered into the ambulance and with Martin on the driver's seat, rolled off up the trail toward the rim rocks and the plain, and the headquarters of the *Circle Heart*. "We will beard the lion in his den," Mrs. Burns asserted grimly. "He's the whole head and front of this trouble. If we can but crush him, we have won."

At about three in the afternoon, they sighted the long and low bunk house, lying in the sea of the mirages, like a black pirate ship becalmed. They drew up in front of the south door. Warwick, evidently having heard of Mrs. Burns, came out lowering fiercely as some old freebooter in the days when captives were made to walk the plank. "Mrs. Burns?" he queried sharply. But to Nell he touched the brim of his broad hat and volunteered politely that if there was anything he could do he would gladly do it.

"I came to talk to you about getting my son pardoned," the older woman spoke menacingly,

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" and I give you to understand that you are not dealing now with simpletons or people who have had no experience of life. I have prepared a form for an unconditional pardon. You are the one person in all the world most responsible for the predicament of my boy. I expect yours therefore to be the first name on that petition. Here it is. You may as well sign at once." And so saying she opened her hand bag and drew from it a very long strip of paper made of many pasted sheets. This was flouted into his face instantly with the sharp command: " Sign here."

" Madam," he retreated a step; " I refuse to sign any pardon for John Burns. You are his mother; but in your mother's desire to save his life, you forget his honor. That should be of first consideration. Do I sign this and instantly the tale will be abroad that he was a favored henchman of mine; that under my direction he committed a murder and that now through my influence he comes off scot free. Let him come out of the penitentiary under such a cloud as that and he cannot return to the plains. I want him returned here. Had I been allowed my way we would now have had him back and perhaps we might have had him acquitted honorably before all men."

" You would have had him hanged on another charge."

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"Madam, you presume a great deal. What reason would I have for trying to get him back here, when all that was required of me, if I wanted him hanged, was to lie still? It is but a trifle over seven months now until the date set for his execution."

"You had the best of reasons," her voice cut like a blade; "your hireling judge informed you of my inquiry made to him by letter some weeks ago. You doubtless thought it wise to make the move you did in order to play his simpleton friends clear off the board. You accomplished it. But you did not know what I would do and there you miscalculated. You can either sign this petition and set your influence at work so that it will succeed, or you can refuse. If you refuse, you have my hatred; and I warn you that it will not be a trifling thing to reckon with. You cannot fix the stigma of a murder on me nor can you bring me into the courts, but I will go back and forth from house to house and from camp to camp in this country and I will tell my story until the manhood of these plains, if there is manhood here, will rise up and crush you down." A passionless hatred glowed in her eyes, while her hands contracted gently like the paws of a tigress ready to unsheathe her talons.

Warwick smiled as if he appreciated her shrewdness, but he spoke grimly: "Well, you

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seem to play a desperate sort of game. You forget that others may play such. Go ahead and do what you will. Raise your storm if you can. I live among storms; they are my meat and drink. You may damage me, you might actually succeed in having me mobbed; but all the while you're doing that, time will be slipping by; you'll have to hurry or they'll hang your boy. Do you understand that? Madam, no man or woman ever drove Warwick yet — no man or woman ever will."

At this, for the first time, Mrs. Burns gave evidence of real feeling; her face paled; her breath came in gasps, and suddenly she seemed to collapse. Burying her head on Nell's shoulder, she began crying bitterly. Warwick looked on unmoved.

"Oh, say something," the older woman pleaded; "do something to help me." And again she bowed her head lower and sobbed more heavily.

Nell disengaged herself and then summoning all her resolution, got to the ground for a word with the cattle king. "She is his mother, Mr. Warwick. Because of that you might forgive her tactlessness."

At this Warwick laughed melodiously, but Mrs. Burns suddenly drying her tears turned to stare malevolently at the girl. Instantly Warwick

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grew business-like. He seemed to forget all things but those in hand as he averred: "The time has come when I must be trusted, regardless of all that I may seem. No matter what I may appear; no matter what I do, it yet remains my province to be doubted and misunderstood." And his voice was so deeply vibrant that it fairly chilled. Nell herself, moved strangely by the speech, looked and saw that Mrs. Burns was equally moved. On a sudden the girl felt a keen sympathy for this lone battler and she said: "You are not the first to be misunderstood. It is her way. She even doubts that I am honest in my wish that he come back."

At this, Mrs. Burns, as if a great and grievous apprehension had been removed, smiled with something of toleration. One looking might have thought that until this time she had regarded the girl as more than an enemy of her son; for apparently her animosity approximated nothing short of woman's dearest hate — the rivalry of love. Warwick, as if Nell's words had saved a situation, smiled gratefully as he queried: "No? Does she doubt that?" And then as if to spare the mother's heart he proceeded in a lower tone: "Do you believe that if Burns were unconditionally pardoned, he could be induced to return to the plains?"

The doubt was such a cruel one in that it voiced

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the doubts she herself had imbibed from Burns' unsatisfactory letters, that Nell winced. But drawing herself up in the pride of the unconquered overwhelmed, she answered: "Yes, he would come back. I know he would come back."

"Though not one of his old friends here was on the petition for his pardon?"

"Yes."

"Though all of those whom he hated, while he lived here, had signed the petition?"

"Yes, he would be big enough to accept fair treatment even from his enemies. Yes, he would come back."

"Though he knew that public sentiment must regard him as a murderer and the tool of the cattle kings?"

"Yes, he would come back to prove that he was neither."

"Though he knew that despite the public misapprehension of him, his old enemies would yet oppose him? That so far as all men in the plains were concerned all would be his enemies?"

"Yes," she answered with the burning faith that destroys all evidences; "he would dare the plains again as he dared them to his ruin."

"And why would he come back?"

There was a rudeness in this that struck with ponderous cruelty. But she lifted her head a trifle as

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she spoke: "Because he is a man. Because as a man he would rather die than debase his manhood and his innocence. He would come back. He would come back."

Bowing in deep thought, the cattle king mused aloud: "Yes, he had courage. I myself might have once thought that of him." His voice rose as if in musing he forgot himself: "But this woman — this mother of his — somehow jars on that notion." Then while Mrs. Burns, who had overheard, was staring in fierce expectancy, he questioned Nell direct: "Having seen his mother, does it not modify your old ideas of him?"

There could be no denial of the fact. On a sudden she realized her own futility in the presence of this man of iron purpose and crystal insight. It came to her that she had begun with a determination to hide from the enemies of her lover the fact of her love, for her love had after all condemned him. Yet now here she stood in the very presence of his enemy pleading her love as warrant for his return. The agony of her heart leaped into her face, and in spite of herself she nodded acquiescence in the suggestion of his query.

"Then," he spoke as if all this had only been for argument to lead himself to promise it, "I will sign that paper." His eyes blazed with a

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fire that seemed to consume her as he dropped his voice too low to be overheard, "I will sign it for your sake; for yours alone."

She did not know whether to believe or disbelieve him. He smiled his understanding of her doubt as he held out his hand to Mrs. Burns for the petition. Taking it, he read carefully and then as carefully signed his name. "There, you see," he said, handing Nell the paper.

Now, as she examined the writing, which was tantamount to the names of all Burns' enemies, tantamount therefore to his release, the joy she should have felt was diffused in nameless fears. The power of Warwick seemed to have enveloped her like a net. But she thanked him for his kindness and with quaking hands thrust the precious document into her bodice, unconsciously declaring her fealty to her cause, no matter what its cost to her.

As she climbed back into the seat beside Mrs. Burns, Warwick invited them: "I had forgotten that you have had no dinner. You must wait and eat."

But Mrs. Burns wanted none of his hospitality, and so old Martin turned the team around and headed back toward the headquarters of the *Double K*. This in itself was a trivial incident. But in its essence it was more disquieting than her dread of Warwick. The cattle king might harm

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herself, but Mrs. Burns, with all her strangely contemptible ways and words, struck at her love. Rather, into the cup of her love, already embittered, a subtle poison was being poured before her eyes. And her heart withered, for she knew that when the time came, she would drink that draught.

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CHAPTER XIX

NEXT morning — very early, too — Mrs. Burns was dressed and ready for the day's business. She came, and knocking at Nell's door, waited only for an instant, and then entered the room. "Hurry and get ready," she commanded in a most business-like manner. "I am going to start to-day with the petition. You must go with me, too. But I am not coming back as long as there is a man, woman or child left who signed the one you circulated."

Drowsily wondering how many names Mrs. Burns with her aggressive tactlessness would procure, Nell promised to be down stairs as soon as breakfast should be ready.

In half an hour she entered the dining-room, where she soon learned that Mrs. Burns had induced the Colonel to furnish a gentle team and the buckboard for the canvass; also, that her own assistance had been promised.

At about half past seven the two women got into the conveyance and started off for the plain's trail. They were uncertain of their destination, beyond that they would go first into the *Circle Heart*

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pasture, next to the *Z—'s,* afterward to the *Bar Link Bars,* where all of those cowboys under the domination of the cattle kings worked and lived. The girl smiled sadly to herself as she thought of the ignorance sitting beside her. She had no more hope of the petition ever accomplishing any result than she had of Mrs. Burns ever displaying any likable qualities. Over night she had reasoned that Warwick, with his usual duplicity, would prevent his henchmen signing.

Nevertheless, when they drove up to a line camp that afternoon in the *Circle Heart,* where Gunther and another man were staying, the woman pleaded with them in such a genuinely mother-like manner, that wolf-like old Gunther said: "Hit ain't as if we got use fur yer boy. We do it cause we'd want a other feller to, if hit wuz his mother er my mother, that come a askin' of hit." Then each one scrawled his name.

The travelers stayed that night in a cabin, which the occupants politely vacated to them. In the morning, both the men signed the petition readily. That afternoon the solicitors came to a tumble-down hut in the plain. When they called, the door swung open and Swithen, that burly ruffian who had been foreman of the jury which condemned Burns to death, came crawling out as if he feared his visitors. He listened to the mother's request, and then, while he fingered the naked knife that

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hung from the string about his neck, he argued himself into a scared frenzy. But at last he signed.

So they went and so they succeeded everywhere. Day after day the names were added as certainly as the miles of their going. If a man refused, Mrs. Burns studied him a moment and then either threatened or pleaded or promised something that outweighed his objection. Nell's opinion of Mrs. Burns only grew the more unfavorable at this. Power in the mean-spirited disgusts. Nevertheless, by the time the whole list of settlers and cowboys had been autographed on the petition her heart lightened. Nothing in the world, now it seemed, could prevent the return of Burns. Dearer than life itself would be that moment, no matter what agonies might ensue. The love of a woman who loves, is at once the mad folly and the imperishable glory of all the world's Thermopylæs.

On the last day of their trip, as they were driving down into the canyon opposite Mexican Pete's she asked: "Will you go down to the penitentiary to meet him when he is released?"

"Not much," Mrs. Burns answered grimly; "I know men too well for that. He would probably be like his father; he wouldn't want to be burdened with an old woman. I'll stay right here. He couldn't have the face to desert me here among all of his old friends."

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"I am sure he will surprise you," Nell expostulated, in anger at the woman's perpetual suspicion; "you do not know him."

"No, but I knew his father mighty well."

This was the first open opportunity in all their conversations, for a question that would require the story of Mrs. Burns as Mrs. Burns. Nell seized upon it eagerly.

"Well," Mrs. Burns answered as dryly as one discussing an altogether impersonal matter; "there isn't much to it. I married Jack Burns in May 1860. John was born the next year. The next year after that, Jack left home for fear he would be drafted into the army. He promised he would come out into this part of the country and hang up his shingle and then send back for us. I never heard of him again. I taught school a while but finally I couldn't get a school to teach. So I sent John to my uncle's at Union City, Missouri, and I went to Kansas City to be a dressmaker. That was when the boy was eight years old. He no sooner landed from the boat which took him up there than he ran away. I surmised that he had come in this direction to look for his father. I spent a lot of good money, too, in search of him. Then, one day I waked up to it that if I had him back he would only be an expense to me; so I quit and quit thinking about him until I heard of him in the papers."

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"It's a strange thing," Nell commented coldly, "that you came this time."

"Yes, it is. If your father had not been thoughtful enough to have enclosed that check, I don't suppose I would have. It was like a speculation to some one who had no money with which to speculate." She eyed Nell narrowly, and then, in a tone of heartless mirth, continued: "But seeing that the expenses were all paid and there was just a chance of getting a son, and a chance perhaps of getting that son to make a home for me in my old age, I thought I'd take it. That's why I came." And mean worry again became her theme.

By this time they had passed Mexican Pete's, but not until they had come to that broken place in the canyon wall, from which Jed Markell's little valley opened, did the woman let go her animadversions. Then she abruptly asked what settler lived in the amphitheatre and requested Nell to drive in to the house.

They pulled up before the hovel and Jed and his four children came running out to give a pressing invitation for dinner. "Please, Miss Nellie, tum," pleaded one of the little girls; "cos if oo would, den you would cook de dinner an' we would have somfing fit to eat."

Mrs. Burns held her nose very high, sniffed at all their proffered hospitality and came at once to

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business: "I want to buy this place of you, Mr. Markell. My son is coming back here pretty soon and I imagine that if his property is tied up in a home, he won't be able to get away from me as readily as he might wish to; certainly not as readily as he could if the property was only a bunch of cattle that anyone would buy."

Jed ruminated. He was a gawky man with stringy white hair and pale blue eyes. "I hadn't thought much o' sellin'."

"No, for no one ever made you an offer before. What will you take for it? You can go off somewhere else and put you up a shack and file on some other sections."

"Wull, now I mought do that, that's a fack. I hadn't thought o' that. How much would ye give?" But while she was silently calculating, another thought struck him. "Wull, ye needn't make no offer nuther. I wouldn't sell."

"Why wouldn't you sell?"

"My ole woman an' two o' the chillun's air buried out yander under the bluff. I couldn't sorter think o' leavin' hyar now."

"Drive on then to the ranch," Mrs. Burns commanded. "Maybe he will change his mind."

"Miss Nellie, hain't ye a goin' to git down an' visit us?" The settler demanded in pain and surprise.

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"Not this time, I guess. We are in a hurry to get back home."

Jed stiffened himself awkwardly as crude persons are prone to do when they regard it quite necessary to say something disagreeable; then he ran his fingers through his stringy hair, rolled his pale eyes and fairly shouted: "Wull, then, all I been a hyarin' about ye must be so. Ye have got above settlers. Hit's a fack, ye have. I would a never believed it till now, but now I know hit's so."

Nell pulled up, and turning to him asked: "What do you mean by that?"

"Huum — wull, I guess you know. People is a sayin' as how you air a carryin' a petition one day to keep Burns in prison, him a being a advantage to your daddy, ef he's in jail; but a carryin' another now to git him out because hit's a advantage to Warwick — him an' yer daddy a havin' spliced agin. Ye needn't pertend nothin' to me now. I guess I kin see a few things."

Words with which to meet such crazy speeches as this are never at hand. While the girl struggled for them, Mrs. Burns cut in: "That is the very reason, my man, that I thought you might be willing to sell. What do you hope to do in this country anyhow, when the cattle kings are at last banded together openly? I will give you

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$500.00 in cash for your rights and improvements What do you say?"

Jed, caught in his own argument, was powerless; moreover, the sum offered was to him a vast one. A look of profound shrewdness puckered his mouth and eyes. His answer came explosively: "Missus, you've bought somethin'. This hyar place is yourn. Now gimme the money. "We've traded in the presence o' witnesses."

In her amazement at this strange proceeding, Nell forgot the aspersion that had given rise to it. But she was filled with greater astonishment at sight of Mrs. Burns counting ten fifty-dollar notes from her bag and handing them out to Markell. The man clutched the money and going into the house returned in a moment with the family Bible. Out of it he sorted a number of curls of hair tied with bits of gay colored ribbon; then he seized the book by the back and shook it. A postal card dropped to the ground. "I knowed hit was in thar," he declared triumphantly; "hyar ye be." And he passed over to Mrs. Burns the receipt from the State Land Office — his deed as a settler — for the land and premises he had just sold.

Mrs. Burns put the card into her hand bag and ordered Nell to drive on.

A little after noon they drove up to the ranch. Old Martin, his countenance preternaturally long,

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lounged hurriedly out of the bunk house and without so much as a word of greeting to Nell, after her long absence, began very thoughtfully to unharness the team.

"What's the matter, Tom?" she inquired wonderingly.

Apparently nothing could distract him from his buckles and straps. "We got everyone on the petition," she called, as he was moving off with the horses. He never turned his head.

By this time the Colonel had come out on the stoop. He saluted them with obvious self-restraint. But the moment he and Nell were alone together in the hall, he rattled away: "It is the talk everywhere that we have joined forces with Warwick. It is the talk everywhere, too, that Burns was his henchman. Old Hamilton is the only settler who yet believes in him. It is the talk that if he ever comes back he will be hanged by a mob."

Vague doubts that had been lurking in the girl's mind all along now took definite shape. Wherefore she exclaimed: "Then Mrs. Burns has done it. She is secretly his enemy. She is not his mother at all; oh, I know it now." And the suspicion strengthened like inspiration.

As she stood wringing her hands and waiting for his response, a step sounded on the threshold.

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Looking up, they saw Martin standing there as if he waited.

"Martin," the Colonel averred in a low, but eager voice; "Nell agrees with what I have been telling you all along. She says that Mrs. Burns is counterfeit."

"I come to ast ye," the cowboy replied not at all, "whether ye wanted me to ride bog on the river this afternoon?"

"Tom," the master pleaded; "what do you think of Mrs. Burns?"

Tom could not resist this opportunity. "I think this much; if you'd a heered her call the turn on Warwick up at the *Circles* — the day I driv her an' yer dotter up there — her a throwin' straight into 'is teeth that the reason he tried to git John remanded wuz because the judge had tole 'im she wuz like to show up, I guess ye'd make up yer mind she wuz a little more a friend o' hisn than parties that kin go to Warwick an' git 'im to change 'is mind square around inside o' fifteen minutes." And Martin stared over Nell's head in the meaning angle of 45 degrees.

"You may go on and ride bog, sir," the Colonel answered stiffly, "and I hope to God you get into a bog yourself."

The old rider turned away grumbling and shrugging his shoulders.

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"Dicky McGann," the Colonel vouchsafed gloomily, "is the only one of the boys left to believe in us. Judge Williams is the last disinterested man who acknowledges our sincerity. But he has been called away on business that will keep him in Galveston, for, perhaps, months. Old man Hamilton and that foolish fellow Markell are the only settlers who have any confidence in our purpose."

"And why has everyone turned?" Nell asked mechanically, her mind fairly reeling before this revelation.

"They feel that we induced them — they were his friends — to put themselves on record against a new trial, which now they say was the only justice possible. And further, after placing them in that false position, it appears we have played him into the hands of Warwick and given to Warwick the privilege they should have had themselves. But that's not all; for in the face of all that, like the dolts they are, they now believe that he was guilty. It's the very grotesquerie of prejudice."

Unable to bear up under any further disclosure of this nature, and her father seemed about to begin something yet more grievous, the girl turned and went slowly up the stairs. Aunt Hattie, sharp visaged and tearful, was waiting in order to say a great many dispiriting things. The point of these was that since everything had fallen out

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as it had and since the Colonel had a good offer for the ranch from Warwick and would perhaps be selling it within a few weeks, she and Nell should pack up their things and return immediately to the old Missouri home.

At mention of it, the quiet and well-ordered life back there filled the girl's heart with a great longing to return. There justice ruled everything; here only injustice had authority. All the ingratitude, all the brutal misunderstanding, all the cruel meanness she had endured in the past few weeks rose up monstrous and mocking. And why had she endured it? Why? Why? On the instant there flashed into her imagination long vistas of her life to come. She saw herself shackled to a criminal of worse than criminal antecedents, and dragged down through endless days of disgrace and shame that was worse a thousand times than death. But unreasoning anger at the hatefulness of it all seized her, she clinched her fingers till the nails were buried in her palms, her eyes shone with the desperate fury of her moment, her voice was hoarse as that of sea birds fighting for the offal from a ship. "No. No. No. I will never go."

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CHAPTER XX

EXACTLY two weeks from that day on which Nell and Mrs. Burns finished circulating the petition, that document was placed in the hands of the Governor. He examined it carefully, and never having heard of John Burns before — Warwick to the contrary notwithstanding — straightway began investigating. Three days later, having decided that a pardon was proper, he ordered such a decree.

On the day following its issue, this instrument reached the warden of the penitentiary. He ordered Burns led into the office.

Now the prisoner had been more than six months in solitary confinement and as he shambled out into the light of the warden's room he was at once a most miserable and terrible object. His broad frame was wasted, his movement weak and trembling, his cheeks and all his face were white like the belly of a toad, his shaved head was like a naked skull; but the aggressive thrust of his bloodless chin, the fierce pride of his bearing and the smoldering gleam in his sunken eyes proclaimed a courage so desperate as to appall. As he seated himself in the chair placed for him, the warden at

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his desk began reading the pardon. He listened patiently to the end and, then with grim suspicion twisting at his lips, demanded: "Who's behind this business?"

"A feller named Warwick, prominent where you come frum."

Burns laughed ironically. "Ho!" he declared in a cracking voice; "this is fine. Fine! Fine! And next thing they will burn me at the stake after having me build a fire to cook my dinner. Ho. Ho." And his laughter was so long and diabolical that the warden shivered. Here was the irony that had for the moment half unhinged his mind. The few letters that had come to him from Nell began with doubt of him and ended with contempt. For a long while he had solaced himself with the thought that she had been deceived by her father and her aunt. But the solace of that thought, the last that was left to him, was at length taken away when there came to him that petition asking the Governor to leave him where he was. For Nell's name had stood at the head of all the petitioners. Two months now and he had endured the blackness of his lot only with the cherished hope that some day he might be free to wreak the vengeance of a red Indian on Warwick. Now that freedom was his at last, Warwick appeared his sole deliverer. And he laughed the grotesque mockery of his life,

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Presently he roused sanely, and with a look of gravity so fixed that it was like the gaze of the dead, he demanded: "Ye have other clothes fur me? Ye have money to take me to the plains?"

The warden nodded toward a door. Burns went over to it and entering a little room found a rough suit and heavy shoes, which he donned. On returning to the warden he received a ten dollar note, a railroad ticket to Fort Worth and an order on the Stage Company for his transportation from Fort Worth to Station Ten. He bade the warden a mechanical good-by and then with the turnkey went down the prison corridor for the last time, thence to the gate and liberty.

Next day at noon he got down from the train at Fort Worth, and then having eaten his dinner, he walked out to the office of the Stage Company on the edge of the town. He threw down his order for transportation and demanded of the official on the other side of the wicket: "Book me fur the first trip."

The agent examined the order curiously, and then getting pen and ink, wrote across the face of the paper: "Surrendered for value received." He pointed with his finger and requested: "Sign here."

John read and laughed grimly, "Where's the value? I don't see it."

"Nor ye won't till ye sign."

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"Mister, will ye gimme a ticket? I can't take no risks."

The other, one of those surely accidents of the public service, disclosed himself: "You'd think the ticket was no good, too." Then after a moment he scratched out the words "for value received," substituting therefor so that it read: "Surrendered for cash in lieu of ticket." Counting out ninety dollars in currency he shoved the money under the wicket with the observation: "This buys a ticket any time. Are you satisfied? Hurry and sign up and get out of here."

Burns signed, put the money into his pocket, asked for the departure of the first stage and hurried out. Returning to the heart of town, he found a good lodging. It was rather expensive, but since there would be only one more day and he had eight dollars of the ten the warden had supplied, he did not mind.

As he sat alone in his room that night musing grimly over the black and the white that Life had written for him, it struck him strangely that he was going back to the plains. Why should he go back? What could be his purpose? What friend could he find now? What enemy could he overthrow? He tried for the first time in months to explain why Nell had turned on him first in the letters and afterward in the petition for his continued incarceration. There was no explanation,

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unless — unless. The solution blinded him like a flash of lightning. He saw it all in one sweeping prospect of the imagination. He winced again under her careless good-by in the corridor as Gunther and Warwick led him to the courthouse door and he saw how truly consistent with her conduct then had been her conduct since. Warwick had rivaled him and won.

He had endured agonies of mind and heart before this, but this he could not passively endure. For awhile he paced his room but the walls were hateful as the walls of his cell had been when all the unexplained hurts fell. Going down into the street he followed it unheedingly to the end. Yet unheeding, he turned into an alley which led to another street; following that, he came once more to the business part of town. As he was passing a brilliantly lighted saloon, four men came out and one of them whom he vaguely recognized as the keeper of the stage office, nodded to the others and hurried away. But there was no room in his thought for the things of the street. He strode on until again he came to the outskirts. Back and forth, back and forth he trudged, until the weariness of his weakened limbs forced itself up through the tumult of his raging heart. Conscious at last of terrible fatigue he seated himself on the edge of a rotten sidewalk on a desolate bit of mean street. As he rested with his head bowed to his

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knees, the tramp of feet approaching fell upon his ears. He was glad of the darkness which would hide his misery and he shrank to the very edge of the boards.

Presently the steps drew near and were passing, when they ceased. He lifted his head and then sat still. Then something fell upon him and something struck his head. Darkness came upon his senses.

When he roused it was daybreak. He tried to recall his experience and wondered what had happened. His hat lay on the sidewalk and close by it were drops of dried blood. Suddenly he was conscious of a dull pain in the back of his head. He ran his hand over it and felt his hair caked as if with mud. And chancing to look down he saw one pocket of his trousers hanging inside out. He felt in all of them. The ninety dollars for stage fare was gone, along with the eight dollars of other money. Getting his hat he wandered around until he found his hotel. The clerk, recognizing him, demanded: "I thought you had baggage when you came in last night, but seeing you haven't any and keep mighty irregular hours, I guess I'll have to ask pay in advance."

Burns explained what had befallen.

"Humph," the clerk who had at first taken him for some character too desperate to be even trifled with, now was at ease. "Humph, that's the

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oldest dodge out. You pay up or I'll turn you over to the police."

John heard him but uttered no protest. What was this bit of nagging trouble compared with what had passed, compared with the hurt and madness that alternated in his understanding of Nell's treachery to him. He laughed grimly when he thought of it. The clerk, thinking it the impudence of the professional vagrant, ran to the door and called a sleepy policeman.

Burns, that had dared Warwick and yet could dare him, followed the officer unresistingly to the station. His hearing before the police judge was brief. The early loafers and the one newspaper reporter present laughed immoderately at his threadbare tale. The magistrate gave him thirty minutes in which to leave town; the reporter being a wise young man gifted with insight, caught an inspiration to give his paper a tremendously funny account of the ex-convict; richeously condemning him as a pipe dreamer who had spent his money in carousal with the women of the streets and sharpers of the gambling hells.

Burns left those hallowed precincts like a sleepwalker. He must leave Fort Worth. What difference did that make? He set his face to the south on a broad street and followed it until it ended in a country lane at the side of which between long intervals lay farms. In the fields

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negroes were picking last year's neglected cotton, planting the late crops or plowing corn. At every house he stopped to ask for work. There were some who laughed at him; one old woman set a bull dog at his heels.

As the heat and weariness of noon fell upon him, he felt hungry, for he had not eaten since the night before. He asked for food instead of work at the door of the first house he came to after that. A red-faced farmer with the body of a giant and the soul of a gnat came out and after picking up a club cursed him away.

But late that afternoon when the weight of his rebuffs were galling him to a fierce hatred of all human things, he knocked at a door that was kind. For a gray-headed man came out of it and asked kindly: "What will you have, my boy?"

When the black passion of hate for all mankind fills the heart of one who has met with nothing but brutal cruelty, kindness comes like a thrust blade. The grim and terrible glitter faded from Burns' eyes and tears shone there; and the fierce speech that had been burning in his mouth went with the bitterness which was gone and he answered hoarsely: "Work! Work! I want work."

Now at this the old farmer smiled, for being a man himself he had had a man's experience of life and he could understand: "Work? Say, young

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man, d'ye know that nothin' but niggers works in this country?" He thought Burns a young northerner, who, coming south to seek his fortune, had found the usual brand of it.

"I know," Burns answered, "but I got to work or starve."

Back over the long years, old Madison's memory leaped to the day he himself had first really learned the worth of a dollar. Madison was sure he had never learned it only that he was compelled to do just what the man before him was asking. So with the grim determination to see that the good lesson be taught, he answered: "All right. You can go to work in the mornin'." Then for fear the pupil might wish to break away from school, he appended: "You can go to work for a week. Mind, ef you quit before your time's up, you git no pay."

Never in all his life had John tasted food so good as that which Mrs. Madison set for him on the kitchen table; never in all his life had the rest of a good bed been as delightful as that he found in the loft bunk to which the old farmer led him. And as he sank into sleep he saw as in a great revelation that life was broader than he had ever dreamed.

Next morning by daybreak he had eaten breakfast and had come by the side of a giant negro to a field of corn. Old Madison, with a twinkle in

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his eye, handed him a heavy hoe and ordered: "You must keep up with Sampson, for he's a lazy nigger. Ef you don't keep up with 'im you won't git in a day's work. I won't pay for less."

John took the hoe and began trying to follow the black. It seemed that Sampson was for the moment determined to deny the charge of laziness. He fairly mowed the weeds along his row at a run. The amateur farmer, thinking that the fit of industry would soon pass, hurried, but did not overtake. The negro, however, seemed to be made of iron and run by steam. He no more paused to rest at the ends of the rows than a man fighting fire would have paused.

Burns, seeing this and determined not to be beaten, struck and hopped along with all his strength. Time and again he felt that he must inevitably fall, yet he kept on and on. When the spirit of contest died in him at hopeless failure, another spirit rose to goad him on. If he lost this job he would be on the tramp again. What was there anywhere else in the world any better for him than this? And he settled to his work purposefully.

At noon old Madison came to look over the field and see what had been done. He smiled grimly. The pupil was learning his lesson. Wherefore as masters are wont to speak he said: "Perty fair, but you ain't done jist as much as

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you ought to." However, he walked back to the house alongside John and when they came to the stoop, he said: "Well, you may have to work with niggers, but you don't have to eat with 'em." And he led him into the kitchen, where a heavy dinner fairly made the table top-heavy.

After that prodigious repast, Burns was refreshed. He went back to the field, resolved to catch up with Sampson or die. But before long his hands, which were blistering to the quick, hurt him so greatly he could hardly hold the hoe. Moreover, the long inaction of prison had weakened his muscles. The fury of his past wrongs had fallen into numb forgetfulness and could spur him no more. About three o'clock of the afternoon the field suddenly swam into night before his eyes and he felt himself swimming with it and was gone.

It was evening when he came to his senses as he lay on a pile of quilts in the cool draft of the house-dividing porch. Old Madison was sitting near by and vociferating that it was "nothin' but the heat."

"I was weak an' I'm soft, too," Burns answered.

The old man had not thought of a pupil who would kill himself at his task, and he felt straightway a sudden interest quite apart from that of a

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teacher. So he asked curiously: "Where have you been that you hain't used to work."

"In the pen," Burns answered gravely.

On the instant the old fellow was a quivering interrogation point. He half rose from his chair and without allowing himself time even to straighten his knees, demanded the whole story. He got such of it as Burns could bring himself to tell. "And were you reely goin' back to the plains when you was robbed?" he questioned incredulously. "Why, man, they'd kill you. Were you reely goin' back?"

"Yes, I was goin' back. I'm goin' back yet as soon as I ever can."

"But why d'ye want to go back?"

"I dunno. I'll find out, though, when I get there. Ye see, a man that's a man won't lay down until he knows he has to. I won't lay down until I know."

"No, you wouldn't lay down, young man; that's a fact," the old fellow returned musingly as he thought of the things that such a man would do. And having in youth dreamed his dreams of adventure and the romance of border life, but having realized nothing more stirring than hard times and quarrels with the negro help around the farm, he sighed ruefully as he observed: "By Jingus, ef I was young I'd go back with you."

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The next morning Burns did not waken until long after sun up. Evidently old Madison had determined to let him rest. Then, wondering whether he would be allowed to go back to work, he dressed and went out into the kitchen, where the farmer, dressed in his store suit, sat smiling purposefully.

"Hurry an' eat," the farmer recommended generously. "Eat hearty, for I am goin' to see you started on your way." A kind of shamefaced apology rendered the last words of the speech ridiculous.

Burns nodded and fell to.

As they lumbered along the road toward Fort Worth, Madison explained himself: "You see, I told mother all about you last night after you went to bed. I aimed to keep you as long as you wanted to stay, but, by Jingus, she was afeared of you. Young man, it was either you or the old woman that had to go. I figured I'd better hang onto her, and that's why I'm a takin' you away. It's a dang shame!" he blurted angrily, "but I'll git even with her. I'm a goin' to give you all the money I got in the bank and buy whatever you want and charge it at the store. That's what I'm a goin' to do, by Jingus."

But when they reached town, Madison, who knew the police judge, had another notion. Madison, having learned the value of a dollar in his

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youth, did not forget it in his age. He led John around to the police court and demanded that some effort be made to recover the money which had been stolen.

"Yes," said the judge laconically, "I have done that. It weren't more'n a hour after this feller got notice to git, that some kids come in here a luggin' all but forty dollars of 'is money. They'd found it an' the blood jist where he claimed 'e got cracked. Here's the money, young feller." And while he counted out fifty-eight dollars he observed: "An' this ort to be a lesson to you not to go a sleepin' on the streets." Having thus honorably acquitted himself of further responsibility in the matter, he lighted a thick cigar and asked Madison to come in again when he happened to be in town.

As soon as they had gained the street, Madison, paragon of thrift, rejoicing in the return of the money and the release of his promise to give his own, led the way to the general store at which he did his trading. "I'm a goin' to outfit you, though, jist to git even with the old woman."

Burns, already half disgusted with this strange mixture of niggardliness and generosity, informed him that he needed no outfit. But as he was turning to leave the place, his eye lighted on a long show case filled with revolvers. Now, weapons had been much in his thought of late. He

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walked over to the case and asked to be shown a long and blue-barreled Colts. It was laid out for his inspection on the glass. He picked it up and as he felt the familiar grip in his hand, all of those occasions on which he had missed the use of a weapon — the night he had tried to break from the cell in order to throttle Warwick—in the court room when Joe Berdan shot Shorty McGill — in every place since then he had seen an enemy — he determined that this weapon should be his until he died. And without returning it at all, he called for cartridges, a holster and a belt. These were forthcoming. While he was paying for them old Madison, searching for the mate of that pistol, asked for it. He bought it and had it charged to his account. Then, as Burns was turning away, the old fellow thrust out his own purchase and with a strange light in his eyes declared: "I wish I was goin' with you, but I can't. I got to stay with the old woman. But I want to think I'm repersented with you up there. Take this weepin' an' when you use it, figger that old Madison is with you in spirit along with every other Texian worth the name."

Mechanically Burns took the six-shooter, and since he felt unable to buy another holster, he thrust the gun down inside his waist band, hiding its handle under a fold of shirt, as is the cowboy's

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custom when he goes to dances or to places where it is unwise to display arms.

"That's the checker," Madison averred; "it might come handy by bein' unbeknownst." And he held out his hand and bade Burns this strange adieu: "So long, young man, an' may the blessin' o' God and the quickest hand with the gun be with you all the time."

When the old man was gone, Burns went out and found his way to the stage office. As he entered it and saw the agent staring at him in a half-frightened manner, he wondered what the man had done to him. A vague suspicion that something was wrong filled him, for when he asked for a booking on the next stage, the fellow burst into a loud laugh of relief. Again when he went to pay for a ticket half way up to Station Ten, the man laughed strangely. But the thought of the plains was upon him, and taking his ticket, he wandered back to town.

Next morning, with a bit of bread and cheese in his pocket and a new canteen swung over his shoulder, he went to the stage stand, where the six-horse team was ready for the start. He thrilled indescribably at the fact that this was the beginning of his journey home. But he came round to the stage and his heart throbbed painfully, for every seat was filled. On a sudden he de-

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termined to crowd in anyhow. His old desperation came surging back upon him. His eyes threatened and his voice shocked as he ordered: "Make room in there. I gotta go."

But at that instant the driver, with a carbine in his hand, turned round to say: "You air mistakened, Mister. You gotta stay."

"I bought a ticket an' was booked last night."

"Umhu! But I'm the driver o' this stage an' I got orders as says that as long as you're booked they won't be any room." And the driver gathered his lines and his whip, shook them out and "yehoed" to the team. The horses sprang forward, the traces stretched and the big coach rolled off.

Burns, with a thousand fierce impulses burning him to torture, strode into the booking office and in thunderous voice demanded: "Gimme my money and the reason I'm not allowed to ride."

The agent, without hesitation; in fact, without any delay at all, exactly as if he had expected the request would be made in just this threatening manner, shoved out the exact amount without even taking the trouble to count it. But he did not explain what the driver's words had meant. Burns stared through the wicket like a mad tiger from his cage and once more demanded: "Gimme the reason that I'm not allowed to ride."

The man inside fell back a step and then, as if

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trembling between two fears, opened his mouth to speak. But he hesitated and finally made furtive answer: "I don't know."

The cowboy hesitated a moment, and then, throwing caution to the winds, pressed his face to the wicket and in a voice of terrible emphasis declared: "I'm goin' back. I'm goin' back. I'm goin' back." Then, turning swiftly away, he stepped out into the stage trail, which led westward and forever westward toward the plains — a trail four hundred miles in length, waterless and shelterless all the way to those in disfavor with the stage company. No footman had ever dared that journey to its end. Many had begun and had been frightened back, while the others had every one been slain by the heat or the cold or the thirst madness which lurked on the way.

He cast one long look back upon the town and then, straightening his shoulders, tottered forth upon that terrible pilgrimage.

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CHAPTER XXI

ABOUT nine o'clock of the morning of June 25th, at about the time Burns was leaving Fort Worth, Nell March, with a copy of that daily containing the humorous reporter's sketch of the ex-convict in her hand, sat on the stoop of the *Double K* ranch house and watched the river trail. The early sun beat full upon her head; it burned her eyes, but she took no heed of it. On her face was the look of those women who wait beside the sea after word has come that the ship and the loved shall not return.

Presently from far beyond the south bank of the shining channel a horseman appeared. Her heart leaped and she half rose to her feet. Then the hope in her eyes faded. It was Warwick who approached. There was that in the eager slant of his body as he spurred and whipped his horse which even in the great distance told unmistakably of important news. She waited, scarcely breathing. He drove his rowels and swung his quirt pitilessly, though the whistling breath of his horse rang cruelly in the girl's ears when he was yet a hundred yards away.

But, on seeing her, he seemed to hesitate. Rein-

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ing down, he appeared on the point of turning back. Instinctively she knew of something that concerned her, and quelling all her fear of him, beckoned that he come. As he neared she saw that his great face bore a look of troubling doubt. To the terror in her eyes he answered gravely: "I have a message for your father. A very sad message it is, too."

Now, the Colonel had gone early that morning to Station Ten with a view of ascertaining from the stage drivers if there were any truth in the story brought by the paper the night before. So she answered that her father would not be back before the middle of the afternoon or night.

The implication that the message be delivered through her seemed to heighten his trouble. But after a painful silence he spoke: "My dear young lady, this is just such word as you should receive from none but some one near and dear to you."

This, then, was the worst! She had known it all along. She knew, too, that the man before her wished with all the strength of his colossal being that she should know it. That knowing it she might give way to the advances which his terrifying patience held in check. But she hesitated only for a moment, trembling slightly. Then, in a voice of strange calm, she quietly requested: "I wish you would give me this message. It is the one I am waiting for."

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He got to the ground and, as he was approaching, drew from his breast pocket a soiled envelope, which in silence he held out to her. She took it and shook out a bit of paper. It was the warden's order on the stage company for John Burns' transportation from Fort Worth to Station Ten. She read the memorandum written across the face, "Surrendered for cash in lieu of ticket," saw that the signature of Burns was genuine, and then, though she knew that this was the last bit of evidence needed to make the story in the newspaper convincing beyond all doubt, though she accepted it all as true, she returned the slip and thanked Warwick for his kindness.

The cattle king puzzled for a moment, while admiration shone involuntarily from his strange, deep eyes. But suddenly he put on an air of business unconcern and, as if she had no more interest in the matter than her words and mien betrayed, he said: "My main purpose in securing this memorandum was, as you know, that of closing the trade which your father and I have been making for this ranch. As you know, your father has made a price on this ranch with the proviso that if Burns does not come back, I may buy it. I may not see the Colonel. Will you kindly inform him that I am ready at any time now to accept his offer, which, according to his own terms, has become binding on him?"

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This she pondered deeply. It was, on the face of it, a plain avowal of his keen pecuniary interest in having Burns remain away. But the corollary of that was that if the cowboy had signed away his stage ticket the chances were he had done so at the cattle king's request; so as far as that went, it left the situation no better than before. She nodded acknowledgment of his request and entered the house, while he reined round to retrace the river trail.

She went directly to the room where Aunt Hattie was busy packing trunks. "I have made up my mind to go with you," she said.

The spinster paused in her work to say: "I am glad of it," and then in the next breath avowed that she was never so annoyed in all her life, for this eleventh-hour decision would delay her another three days.

"No," said the girl, "what little I could take out by the stage I have had packed up for a week. I never opened the valises after the day I got ready to go down to Fort Worth. The other things are packed into my trunks; I am ready to go."

"Then you have heard some news, have you? What does Mrs. Burns think of his not coming back? Poor woman! It is as she feared, then?"

"I do not know anything about that. But I

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have decided to go with you." And Nell's face was very calm.

"But you would never leave unless you thought he was not coming back. I know that. Isn't he coming?"

Nell made no answer to this; instead, she observed: "I am going to meet father and talk it over with him." Then she went downstairs, got her cap and riding skirt and was soon on her way.

She expected to meet her father at any moment, but she rounded bend after bend, and at last rode in among the mud walls of the Station without having seen him.

"He headed off fur the *Circle Hearts* about noon, a aiming to see Warwick," Mexican Pete told her.

She was just turning her horse to start back home when out of the door, brushing against the burly proprietor of the place, the Mexican girl Annunciata bounded. "He lies much, too much," the dark-skinned woman cried. "You are the senorita of the Colonel? No?"

"Shut your mouth," Pete ordered.

But the girl ran on, and dodging under the neck of Nell's horse, came up on the other side, and looking up into her face with eyes that flashed, whispered sharply: "El Colonel has gone to his home; you missed him on the way. Listen.

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Something terrible is the scheme. I have heard the drivers talk. Now go."

"What?" Nell demanded, "what scheme? Against whom is it?"

Pete was now approaching. The Mexican girl trembled, hesitated a moment, and then promised: "I shall learn and come to you."

"I start for Fort Worth on the stage to-morrow. We pick it up down the trail from here about fifteen miles."

"Adios," Annunciata answered smilingly; "I will find some way." And she hurried round to confront Pete and confound him: "You the grand donkey, is it? No. I shall go in and set on fire the beds if you leave me not alone."

Nell lost no time in getting on her way. Neither did she lose any time on the trail. The warning scourged her with a thousand hopes, cruel because impossible.

She did not expect to find her father at the ranch; yet when she dismounted at the stoop he was waiting anxiously for her. Aunt Hattie had told him of the new plans and when he saw her safely returned it was of the proposed departure and not of the afternoon's absence that he spoke. "Warwick bought the ranch this afternoon; I am to turn over the property on the 10th of July. You missed me because I met him and left the trail to look at some cattle he wished to see. It

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is better, I think, that you go with your aunt in the morning and not wait for me."

She told him of her adventure at the Station.

"Oh," he answered grumpily, "that girl is crazy. She tried to tell me that Warwick is planning some tremendous coup, but all she has is suspicion."

"But against whom does he plan it?"

"Against you, she seemed to think. That was why I thought nothing of it. He could have nothing against you, could he?"

It did seem preposterous. While she debated with herself, still in her riding habit and with the bridle reins across her arm, old Martin came moodily up to take the horse away. He had not spoken to her for three weeks, but now he said: "I reckon yer satisfied to go away, now 'at John is whipped clean out o' comin' back." Then, without giving her opportunity to make answer, he led the animal away in the dusk toward the corral.

At that moment Mrs. Burns stepped from the threshold to the stoop. "I hear you are going away in the morning? Is it true?" And the question was put with a sharp directness that was impertinent.

"Yes," Nell answered.

"Then I shall pack my things and go at once to my place I bought. My coming to find my son

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was a ruinous speculation after all. I should have kept the money I got from the sale of his cattle; I might have known, though, what the son of his father would do." Then to their relief she turned back into the house.

"Or a son of hers," the Colonel dryly observed.

"It will be the last night we will spend together here at the old ranch," Nell spoke sadly; "the last night here. Oh, how I wish that we were free of her for just this time."

And then they fell to discussing in low tones and broken phrases all of the past; of joys and hopes forgotten, of deaths, of griefs, and of all the fears and of all the dreams that now would never come true.

Presently they went in to supper. Mrs. Burns was already at the table and dressed as if to set forth on a journey. "I am going to start for my own house in half an hour," she said in reply to their mildly curious glances; "I do not care to stay another night in a house that has lost faith in my boy."

Now, the Colonel was at the best a very irascible gentleman; moreover, being one of the most inconsistent of mortals, he hated the inconsistencies of others; wherefore he said: "You were the first person in the plains to doubt his coming back. I am glad now, for his sake, that he is not com-

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ing. You have published him an ingrate everywhere."

"What do you mean by that?" she demanded in fierce anger.

The Colonel said nothing. But the woman went on savagely: "He will come back and he will come back to me."

Her listeners could not repress a smile.

"Seeing that this is my last night and my last moment with you two, I will tell you a few things. You think you have gone through a great deal. You have not begun to go through anything yet. The things you will shortly face you cannot go through at all, because they will overwhelm you. Young lady, you will look back and be glad that you did not remain until the return of my son. And yet I am sorry you are going. I wish that you could have stayed so that you might have heard from his own lips something that would please his mother to have him say to you." And as she concluded these malevolent hints she rose and left the room.

The girl and her father exchanged questioning glances, but before either could speak, they heard the sound of boots in the hall and the voice of Martin asking: "Are you ready, Mrs. Burns?" Immediately there was the echo of feet coming down the stairs, then the crunch of wheels outside.

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"It was simply her wild ill nature," the Colonel suggested.

"I am glad that she is gone," Nell replied with a shiver, "and glad that I am leaving here. She seems more than ill-natured to me. It is only when she loses herself in anger that she seems natural and believable."

When they were done eating, they went back again to the stoop and sat down there, for the darkness was warm and still. The conversation broken off by supper was resumed and carried on until midnight. Speculations that came to nothing definite; the fact that all they had ever known or hoped for in the plains was gone; that they, too, would soon be going to return no more — these were their topics.

At last the Colonel, growing sleepy, went off to bed. Nell sat for a long time alone, with a strange feeling of resignation, a resignation so unexplainable that it was gone the moment she sought the reason of it. Like an inspiration came the belief that Burns was dead. She knew he was dead, else he would have come back. The evidence offered by Warwick's envelope and its contents, she accepted now as direct proof of his death. Some one had robbed him; and that one must first have taken his life. The story in the paper was impossible.

Next morning, while Aunt Hattie was calling

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from the ambulance for more hurry, lest they miss the stage, Nell went out to the bunk house. Entering that room she had so carefully dusted and arranged on the morning that now seemed years ago, that she had since kept dusted and arranged, she looked around the walls and everywhere, blindly, for her eyes were filled with tears.

She touched the books, but somehow the books meant nothing; the bits and spurs and the quirts were all cruel things, too. Somehow, on a sudden it seemed to her that all the tools a cowboy used were altogether impersonal. She searched for his gauntlets, but they were not to be found. Then, under the impression that the gauntlets must be with his saddle in the saddle house out by the corral, she ran to it. As the door swung open to her hand, Aunt Hattie's exasperation called desperately. She looked back. Aunt Hattie was coming, and quite out of patience.

Now, Nell believed Burns was dead; because she could not admit that he could be alive. She knew what Aunt Hattie would say to her thinking of him. She knew what she thought of herself, too, because she now understood what that feeling of resignation meant. She had not resigned him; she had resigned herself. Her wish for the memento and her determination to have it settled that.

She sprang over into the dark corner where

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his saddle, curtained behind cobwebs, hung. But there were no gauntlets in the pockets. Something depended from the pommel into the gloom below. She caught the rawhide thong and, lifting it, brought to view his canteen. The gloves were bound to it. She heard Aunt Hattie coming. There was neither time to get the gauntlets loosened nor time to empty the stale water from the vessel. She slipped the whole combination under her cloak and then, with a very red and dusty face, turned to meet her aunt.

"What do you mean, child? What are you doing?"

"I wanted the quirt that Shorty braided for me and I thought it might be out here. I could not find it in the house." Cherishing the last pitiful degradation of her love, she could have lied to God himself.

"Did you find it?" Aunt Hattie sternly demanded.

"Yes."

"Then come on or we will miss the stage." And the older woman fairly ran. Yet her haste and shortness of breath did not prevent her declaring at every third step, "I know I saw you pack that quirt in one of the trunks last week. I know I did."

Aunt Hattie, however, forgot the matter, or forgot at least to make mention of it again, for

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as soon as they clambered into the hack, Martin, who evidently wished the ranch to be clear of them, whipped his horses to a run. He kept them galloping, too, until they reached the stage trail.

Presently, as they waited, a fluttering speck appeared on the horizon west. It grew, and coming near, resolved into Annunciata astride a puffing burro. The senorita beckoned Nell aside and whispered: "I have learned. The driver who come last night laugh and say they have played a great trick on El Senor Burns. But another say that El Senor, like the lobo, shall turn on the dogs which chase away and he shall come up the trail to fight and kill." The Mexican withdrew further and with greater caution whispered: "If they cheat on the way to see him the driver who comes back next time is brave and great and he will help. He is El Senor Jackson and he fears neither God nor the devil, not even Warwick. And the driving of him is a stampede of horses running from the storm."

"Do you mean," Nell interrupted in a radiance of hope that could but rise slowly from the murk of long despair, "that John is living and he wishes to come back?"

"Ah, it is as I said. They lie much, too much. All of their telling is but lies."

"Oh, then," and tears came to Nell's eyes; "please God, and I shall find him on the way."

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"Pray God there shall be no starting of El Senor Burns, lady. Pray with your soul, for they tricked for the purpose El Colonel might sell the rancho, believing El Senor Burns wished not to come. And they fear him as the cattle fear the lobo. Now, that the rancho is sold, they care no more how they prevent. The food and water on the trail they guard with rifles. Should he start, they wait until his hunger and the thirst bring him in range and then they kill. Pray, lady, that the waiting of him is of great patience. And I, whom God smiles at, because I am nothing, I shall pray."

And as this speech ended, the stage rolled up. Annunciata, in a kind of frenzy, caught Nell's hand and kissed it. "Adios, you lady with the look of the Christ. Adios, and the Saints and the Mother watch over you." So they parted.

The stage had gone half a mile before Nell looked back. There, beside the trail in the distance, the draggled woman of the hurdy-gurdy knelt in her devotions, declaring more eloquently, in her far muteness, the measure of her fear.

The driver, having gotten his horses going to suit him, began singing through his nose:

"Come drink to the clink
O' glasses an' chink
On the tables in Timberline's Hell.

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The dance gals are singin', their mandolin's
ringin',
Come drink while yer 'live an' well.

"Fur life like a wife
Er an Injun's knife
Crosses a thousant trails;
An' ye never know as ye come an' go,
But they've driv' yer coffin nails."

Suddenly there broke through the monotonous chanting of his the gallop of hoofs behind. Again Nell looked back. Gunther swept up, and checking his horse for the fraction of an instant, eyed the girl with strange and disconcerting intentness. Then he muttered something to himself and without a word even to the stage driver, spurred on at full speed.

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CHAPTER XXII

ALL day Burns forged ahead. The sun was hot upon his unsheltered body, the trail had a thousand traps to hurt his ill-shod feet. But the heat and the pain were nothing to what was in his heart. There abode the rage of helplessness, the fear of the elemental which dogged him, hate that was like volcanic fires and the deep hurt of friends who fail and spurn. It was night before he felt either thirst or hunger, but then he did not pause to rest and eat. Munching at his bread and cheese and sipping occasionally from the canteen, he pressed on and on.

About nine of the evening he staggered up to the camp of Station One, the first camp of the line west from Fort Worth. It consisted of a corral enclosing — water barrels, a tent, a rick of baled hay and the relay horses. Without hesitation Burns flung down the bars of the enclosure, and coming up to the tent, demanded: "Gimme a horse to ride to the next stand."

The station tender came cautiously out from the canvas wall with a rifle in the hollow of his arm. In the deep dusk Burns' drawn face ap-

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peared like a dreadful mask. The hostler, half recoiling, queried: "Who air you that wants a hoss?"

"Burns o' the *Double K,* as ye knew, seein' ye brought a gun. Gimme a horse."

"Mister, I'm not one to hender you, even if they is orders that you're not to pass. I'd give you the hoss, but these hosses is all outlaw an' they hain't no saddle here."

But as he spoke there was a commotion among the feeding animals, and then a stampede of them out over the fallen bars of the corral. A figure on horseback followed them swiftly. The station tender laughed.

In the failing light Burns strove to draw a bead upon the fleeing rider. These were the tools of his enemies. But his shot went wild, for out of the concealing darkness a loud laugh of scorn came back. The man with the rifle also laughed. Burns sprang suddenly upon him and beat him down with the barrel of his pistol. Then, taking the rifle, he swung it clubwise and smashed the lock and stock to splinters on the ground. Entering the tent, he lighted a candle, and searching till he found food, filled his pockets with bacon and biscuits. He then replenished his canteen from the barrels, drew off his shoes, and having bathed his aching feet, sat down, pistol in hand, to wait.

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An hour dragged away — he marked it by the course of the Big Dipper — but the stampeded horses were not driven back. It was only wasting time to wait further. He put on his shoes and set forth again.

Steadily through the brilliant night he forged — a machine running overtime and at overload — the most marvelous of all the world's machines, a man, whose dynamic soul comes first hand from the very hand of God!

At his back the east grew gray and ahead of him the dull brown brakes of the Red River loomed less darkly. Again he ate from his provision without pausing in his march. At length he came to a long stretch of sand. At every step his breaking shoes let in torrents of the grit. In time the pain became excruciating. Then he paused only to kick off his foot gear. But the sand was like fire to his naked and bleeding feet. He stopped and, sacrificing much of the precious water, washed them and once more put on his shoes. Every step after that was cruel. And the sun, now well up, beat down upon his temples like a swift and ponderous hammer, while his thirst, having exacted the last drop from the canteen, gripped like an iron hand upon his throat. A mesquite tree casting a flimsy net of shade upon the sand at the trail side, mocked him to sit down and rest. He struggled on.

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About one o'clock of the afternoon he came in sight of the second station of the line and despite his condition felt a glow of satisfaction. He had made stage time almost. A fifth of the journey was accomplished. The way that had conquered others he had in part conquered with his strength, thereby reducing the whole to the finite and the possible. But his hope died like a candle in a gust when he came to the corral. The bars were down, the horses gone, the water barrels were empty in a circle of drying mud and the tent contained nothing in the shape of food. Pinned with a splinter to the round post in the center of the enclosure fluttered this notice:

"Go back the way you come."

He read, and then, withdrawing a cartridge from his belt, scrawled with the bullet at the bottom of the notice:

"Stop me."

And having written, he dragged the tent and the hay bales to the wall of the corral and set them on fire. Then, when he saw that the poles were burning well, he chuckled grimly and staggered on his way.

Now as he walked, the pain in his feet at times almost mastered him, so that he would cry out involuntarily. It was as if when his foot struck the ground a keen blade penetrated the sole like a shaft, and bursting up through the muscles of

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his calf and thigh, struck through his loins and stopped with an excruciating snap in the very base of his skull. When he could endure it no longer he squatted down to examine. The cheap prison shoes had gone to tatters of split leather and the soles were lost. The bottoms of his feet were raw flesh. He wondered at the madness which had hidden the fact from him, and then smiling grimly, he pulled off his coat. Having torn the garment in two, he bound the pieces round his feet, shoes and all. Then he rose and staggered ahead. His was the elemental resolution of iron which vanishes only under actual physical dissolution.

Sometime late in the afternoon, when the low sun beat full into his face, there came upon him that swift darkness that had overwhelmed his senses when he was in old Madison's field. With one mighty effort he dragged himself out of the trail and then gave slowly up to the choking darkness.

The stars were thick and bright overhead when consciousness came back. He looked about and saw that he was not in the place where he had lain down. Suddenly the absence of his belt and holster was apparent to him. He knew then that the station tenders had come upon him. But he felt for the pistol old Madison had given him and found it, safe. His joy at that was speedily

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lost, however, for the canteen, too, had disappeared.

Once more the fires of his hate awakened to activity, and again he was machine-like, forging on and on. No more grim and terrible figure ever trod the trails of earth than he as he drove his weakening body on that night. Time and again his trembling legs doubled beneath him. When he fell he cursed them as a despot curses his slaves, and then, summoning the forces of his tremendous will, he would rise like some death-wounded beast to hurl himself forward to another fall. Behind him coyotes trailed — cautiously yet — fighting for the prize of the blood he left at every step.

When morning came he saw the troop of wolves, and maddening beyond belief at them, he snatched out his pistol. But even then the hate which blinded him to the agony of his body illuminated his purpose, and illuminating, it stayed his hand. There were but five cartridges in the cylinder of the Madison six-shooter and his belt was gone; his enemies were men. He hid the weapon once more under his waist-band and tottered on.

The light grew stronger and presently dark shadows swept his course. He halted, curious to learn what manner of bird it was which cast such broad shadows. On the instant a half score

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of buzzards swooped down round him, and alighting at his feet, stretched out their hideously naked necks and peered at him expectantly. His throat, swollen and cracking with thirst, let out his voice in a terrifying rasp: "Ho, ye damned scavengers, ye follow me an' I will give ye feed." And he was thinking of Warwick and that crew.

He battled on and on.

Night came upon him, and obeying the behest of his breaking body at last, he crawled away from the trail, where, careless of the waiting wolves, he lay down and went instantly to sleep. In the gray of the morning he awakened at a pain which cut sharply through the numbness of his left foot. One of the coyotes, bolder than the rest, was crouching backward from the bloody swab of rags. Burns drew his pistol only after a mighty effort and then attempted to cock it. His strength was gone. And then, as it dawned upon him that it was given him to go down in death fighting only earth's scavengers for his life, instead of dying a man's death against a man's foes, his hate again leaped into life and nerved him to one long galvanic effort. He snapped back the hammer of the six-shooter, shot the coyote through the head and killed two others as they ran away.

Once more he tried to get up and walk. But he could not rise. He made a mighty effort to crawl upon his hands and knees. It failed be-

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cause his strength had failed. The fierce protest of his soul rose to his lips and he strove to curse, but could not, for his lips were dumb. Presently even the power to hold his body in a sitting posture failed him. He must lie, then, like a brute, dying in the sun. Revolt of that gave one more fleeting grip of power. He dragged himself to the body of the nearest wolf, and propping his back against the carcass, sat there a grim and terrible caricature of man. His face, which was set in unshakable resolution, was masklike in its hideousness. The eyes were open to the whites and shone with the cold glint of marble. The nose, which before the wasting ordeal had been bold and dominant, now was drawn and white until it was like nothing else but the beak of a bird of prey. The lips, swollen and blackened, drew back from teeth as white and cruelly set as those of a dead wolf. His jaws and his chin, half hidden under a two weeks' beard, barely concealed the naked outline of the bones. Beneath that terrible countenance, his body, rigid as iron, seemed held in place only by some trick of gravity. His hands, which had shrunken away to talons, were spread, palm downward, on the ground like the feet of a bird. They supported him.

Hour after hour he sat there, wondering at the slow approach of death. He smiled as he thought

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that they would find him sitting thus to-morrow or the next day or the next. It pleased him to think that even in death the sight of him might be appalling to his enemies.

Somewhere about three of the afternoon there struggled through his consciousness of approaching death the sense of sounds. He tried to turn his head, but could not. Then into the field of vision which had narrowed to a long strip before his eyes there trod a team of harnessed horses; then another and another. He tried to cry out. This would be the stage. A sudden frenzy to save the life he was losing had caught him. But his voice was nothing. He tried to raise himself up that they might see him, for in the agony of his fear he felt that they would pass without seeing him. But he only succeeded in withdrawing one propped hand, and at that he fell, face downward. With another surging effort he managed to raise his head sufficiently that he might see the stage. Now it was just passing. The driver was staring back grimly. Then the body of the vehicle came into view. Framed in the window not a dozen feet from him Nell March appeared. And he saw that she had seen him and he heard her cry out in pity, then in command to the driver, "Stop! Stop!" But at that the grim countenance of Aunt Hattie obtruded and her voice rang sharply:

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"Drive on! Drive on! It is the smallpox victim that Gunther warned of at the other stand. Drive on! Drive on!"

And he heard the driver's whip and laughter mingle with the girl's protesting cries. Then as his soul seemed passing in this iron agony, something soft and clinging struck his face. His sight, which had gone in the excess of his feeling, now returned, disclosing the cloak she had worn. With infinite difficulty he moved his hand the few inches whither the garment had fallen. At the touch of it and the memory of her pity, the wide gulf of his disbelief in her was crossed. And believing in her once more with all his soul, he clutched the cloth to bring it near to him. As he tugged with all his little powers to drag it closer, something heavy checked him altogether. He made one despairing effort and before his astonished eyes there dropped from the folds of the garment a battered quart canteen.

There might be life in that. And life when he thought of her who had passed was ten thousand times better than it had ever seemed when he was dreaming his dreams of vengeance. After a long time he got the vessel in his hands and then with infinite patience worked at the cap until it was unscrewed. And life came back to him swiftly in the stale dregs that gushed between his lips.

As night fell he was rising to his feet; the cool-

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ness of the evening was upon the trail and strength to move had come upon his limbs. Carrying the cloak in his hand as if it were some relic sacred to give him sanctuary anywhere, he toiled on. He was going to the first station ahead and ask them for food and rest. What object could they have in refusing it if he would promise them to turn his back forever on the plains? But yet, when he came at last in the gray of morning to Station Three and had drunk his fill from the cool barrel, he saw that this intention had been the foolish vanity of his weakness. Why should he go back? Nell had pitied because she thought him an unknown unfortunate of the trail. To him, a known unfortunate of the trails of life, she had been cruel as hell itself. Then the mocking masquerade of friends and enemies as they had seemed to dance about him when his pardon came, whirled round again. And again he laughed long and dreadfully.

At the sound of his laughter there came the sound of struggling from the tent. Then a man, tugging at his boot straps, came hopping out. "Who air you?" he demanded.

"Burns o' the *Double K*," the terrible apparition answered, "and ye'll gimme a horse to ride to the next stand er ye'll die." And with a strange deliberation he drew his pistol and put it to the other's throat.

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"Whope! Don't do nothin' rash, Mister. You can have the hoss."

"Saddle 'im, then, whilst I eat." And then, seeing the man take a rope preparatory to catching a horse, John called to him, "It's light and I can see to shoot. If ye try to git away I'll kill ye before ye can git out the bars." Immediately he turned into the tent and found food. But he could not eat, for his throat was swollen and his tongue was in the way. Nevertheless he put food in the folds of his shirt where it bagged about his waist band and having filled both his own canteen and that of the tender, he staggered back to where the horse already saddled was being held for him. He mounted and rode toward the bars. Just as the horse was stepping over them the station tenders' voice rang warningly, "Go on west ef you don't want to die." Burns looked back and saw that the fellow had picked up a rifle from some place where it had lain concealed. Now he intended going west and his purpose in going that direction was so strong that curiosity for this sudden change on the part of the station tenders did not touch him. He knew they had changed their plan; any fool could see that he thought; but he had not changed his nor would he change it. As he had set out so would he finish. So he laughed at the fellow and rode on out.

He had not traveled more than a mile when

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hearing the approach of a horse, he turned and looking back confronted wolf-faced Gunther. "Oh, it's you, is it?" he demanded contemptuously.

"Yeah, hit's me an' you better keep a ridin'. I warned you that day at the wagon that you wuz jist a goin' frum day to day because we let you. Ef you'd a had any sense you'd a taken a tumble an' been better off."

At that speech which called up the whole of his indignities and implied their cause, Burns reined in so suddenly that Gunther's horse, coming on at a canter, could not check. And as the *Circle Heart* rider came abreast, the enemy, who heeded no warning, snatched out his pistol and struck him with all his might upon the head. Gunther fell off and his horse ran away. John dismounted and taking the unconscious scoundrel's six-shooter and belt, put them on and rode off. He rode slowly, until looking back, he saw his fallen foe rise up with brandished fist. Then he laughed prodigiously and galloped westward.

At Station Four the camp tender welcomed him fawningly. "Keep yer distance," Burns ordered angrily; "keep yer distance. I'm a man with a gun in my hand an' no time to waste on tail-waggin' dogs like you. Keep off. Keep off." And then suddenly covering the fellow with his weapon, he ordered him to lie down on the

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ground. Getting a piece of rope he tied him securely, and then having found a rifle and smashed the lock and stock of it, he got food and water for himself and another horse. As he rode away into the gathering dusk he called back, "After the dew falls them ropes'll stretch an' ye can get loose." And then recalling himself to his humanity, he wheeled back to the tent for the fellow's butcher knife. A hundred yards from the place where the man lay, he drove the blade into the ground close by a giant prickly pear. "There, ole Towser," he advised with rough kindness; "ye can roll to that knife in a few hours. It's a couple o' feet south o' the pear. Work the ropes aginst it an' ye're free." And remounting, he sped on.

He passed Station Five in the night time, never halting at all. The preoccupation of his progress grew more intense with every mile, so that he could not endure the thought of wasting time. As day broke he came to Station Six, where he requisitioned a horse and breakfast. He could eat now, but grudged the delay.

The station tender at that camp was a big and good-humored man, and while his breakfast was being devoured by another, he delved in his bedding and brought forth a round quart bottle. Drawing the cork he proffered, "My cousin, Tom Masongale, he 'lowed last Fall when 'e wuz a

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comin' back from takin' you to the pen, that you'd be a comin' some day. An' he takened this yere quart out o' his coat an' 'e says, sezze: 'Tod, you keep this yere licker an' when Burns comes back, you give hit to 'im. An' if he don't come back, the licker will git mighty good an' old, I reckon.' Yes, sir, tha's jist whut Tom says to me, an' here's the bottle."

Somehow the speech and the bottle brought John back to a thousand happy recollections of the past. Through them all, Shorty McGill, the gay-hearted, rollicked. But he thought of the death of Shorty, and, rising grimly, strode out for his horse. Masongale, bottle in hand, followed him "to ride a piece fur comp'ny."

For a long time the two rode in silence over low, uneven ground. But about ten o'clock they came to the foot of a long and steeply rising slope; to the right, beyond many a mile of rolling prairie hills, a similar slope rose and ended in a level horizon. For the first time, Burns broke his silence, "The plains! The plains!" he shouted, half choking with the emotions the returning exile knows. On the declivity, he urged his horse and followed closely by his companion reached the top. There before him the gray sea of sun-whitened grass swept away forever and forever; above, like curtains hung invisibly from the very sky, the mirages swaying gently hid all be-

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yond them — even the sky line — in their unsubstantial yet all-sufficient mystery. At the first glance Burns thrilled strangely, for the plains have a challenge like the sea. But immediately like the exile who comes back at last, his native soil shouted in full recapitulation of the past. There sang again in his ears the joys and dreams of boyhood. The hopes and aspirations of all his life that was his own, swept like chords of sweet music through his soul. Then rang with cruel distinctness, recital of the death of friends, the plotted deeds of enemies, his own dishonor and his later sufferings. Then sounded the voice of Nell, who once had loved him, but who now could pity only in mistake. And at that the purpose of his coming crystallized until he saw it clear. But yielding to the impulse that mastered him, he leaped down, and half kneeling, stretched out his arms as if to embrace the mighty prospect which held now all that was dear to him in life. And his voice was wild with passion as he shouted: "I'm comin' home. I'm comin' home." Then he stood up and walked with a step so forceful, yet so self-contained, that he seemed for the moment like some general, who having thrown his whole force upon a point, compels his desperate anxiety to wait.

His companion, looking on in wonder, demanded: "Whut's eatin' on you that way?

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Why air ye worked up so about comin' home?"

For a second Burns contemplated him strangely, and then with a bitter laugh, answered: "This life they give has been bent to hell a hundred times. They've burned and boiled and roasted, till if I lived a thousand years, I couldn't pay 'em back. But till I pay 'em there can be no rest. Home means to me the place o' evenin' up. There is my good bed, there my easy cheer, my pipe, my books, my wife an' everything that men who can lay down their manhood are allowed to have fur layin' of it down. An' when I've had my fill o' them, then I can die and rest forever."

The other stared strangely as he queried: "Yer wife an all that? Whut dy'e mean by that?"

"My vengeance!" and his voice rang like the clang of iron on iron. "My vengeance, that alone can let me die."

The other, touched at first and now crushed beneath that terrible desperation, sighed, and then with a furtive look around, began: "Man, don't you know that now they air a wantin' you to come? They do. Hit was my orders you should have a hoss? Turn back. They got some awful trap a waitin' fur you now. Hit's set an' you step into hit the minute you step back. Hit's foolishness to go."

"Foolishness!" the rage of all his protest

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shook his utterance. "Foolishness! A man lives once. If like a dog, he chases what they sic 'im on, a never askin' whether whut he does is right or wrong; a never carin' fur that; if a full belly an' a place to eat an' sleep an' the pleasure o' other dogs, is all he wants, then call it foolishness. But, if he is a man, it's different. By the Eternal God, if I have got to be a string-spined coward; a folded-fisted booby sitting still while hellions rob and slay my friends and smirch me with disgrace; all that I may keep the crawlin' priv'lege of living, what is the use? A man wan't made fur that. If I wuz, then I change the deal. I *want* their traps all set." And the madness of his protest choked him for a moment, then he concluded slowly and dispassionately: "My way is as fixed as Warwick's ever was. All the words and all the advice of good friends couldn't change me, because I know my course is mine; because I know that when a man lays down he's done for as a man. I know! I know!"

"But you ort to wait ontil a better time."

"Wait?" Again the irritation at temporizing drove him into rage. "Wait? To-day an' to-morrow! They air seperated by the rim o' the unknown an' it may cut ye off furever from all time. Wait? I never waited an' I never will!" And, as if the thought of even his present delay was unendurable, he turned and, setting

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spurs, galloped out upon the plain. In him purpose had risen to the magnitude of Fate; to the relentlessness of Death itself. Wherefore the poise of his gaunt body above the saddle bow was like that of the eagle springing for far-reaching flight; and the expression of his face, rendered cruel by his sufferings, was that of the eagle for his prey.

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CHAPTER XXIII

ON the evening of June 30th, the stage bearing Nell March and Aunt Hattie rolled into the station at Fort Worth. As soon as the two women had settled themselves for the night in a hotel, the girl hurried out to make her search.

At the newspaper offices where she went first, she encountered that wise young humorist who had written the story of Burns. As soon as he saw what manner of woman she was, he grew penitent and straightway made the mistake of his life. He took her to the city editor. The city editor, who from the desire to keep his head on his shoulders and perhaps from other motives equally sincere, had practiced the preachment of personal responsibility for all that goes into print. Inside of three minutes he had discharged the gay pipe dreamer and, having employed a man in his place, sent him out to learn exactly what had happened to Burns.

Wherefore it was that next morning a messenger boy came with this laconic note: "John Burns left Fort Worth on the morning of June 25th, bound for the plains. A stage driver

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named Jackson stakes his word that the man is still fighting his way back upon the trail. By taking Jackson's stage, which leaves at nine this forenoon, it is probable that the traveler could be overtaken. I have investigated and learn that a booking is possible. Should you desire to return or send one for him, kindly pass the word through bearer of this message, that I may make arrangements. You incur no personal obligation in this matter whatever. This is a part of a regular newspaper man's business."

On reading this, Nell dispatched her answer: "I shall return by this next stage." Then in answer to Aunt Hattie's anxious query, she replied: "I must go back to-day."

Aunt Hattie was old and she was tired of stages since the four-day trip down, moreover, she could not forget the proprieties. Her duty was clear, so she said: "You will do nothing whatever of the kind. You will stay right here with me until to-night, when you will get on the train with me and go back to Missouri. You have already disgraced yourself with your interest in that scoundrel. You will not be permitted to throw yourself utterly away."

"If you do not wish to go," Nell answered quietly, "you need not. I can go alone."

"You shall not go."

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"But I am going." And the light in the gray eyes shone dangerously.

"I will prevent your taking such a step."

Now Nell knew that the old lady meant this and would do it. She smiled as she thought of the ridiculous figure she would cut if Aunt Hattie locked the door and then threw the key out of the window. So, smiling at Aunt Hattie, she approached and kissing her fondly, averred: "There, you are the most conscientious guardian a girl ever had. It's a pity I haven't learned better than to annoy you."

But Aunt Hattie had been tricked a great number of times and, like a wise old wild goose who has been too often peppered over the decoys, she veered off in quick suspicion. "Now you are not going to fool me that way."

"No, I am not. I didn't expect to." And, rising, she crossed over to the dresser, where she began taking down the long, black braids of her hair. Every time she drew out one of the coils from the great knot on the back of her head she would turn and smile mischievously at the spinster. "Now, what do you mean?" came the demand each time. The girl only continued to smile enigmatically.

"If you don't quit that, I shall lock the door and throw the key into the street."

"I knew you would." And Nell's merriment

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was genuine, for having drawn the intention, she knew that she had won. She brushed her tresses carefully, and then, having put them up again, took out her watch. It showed a quarter of nine. The fear that she might have delayed too long, evidently disclosed itself in her face, for Aunt Hattie, watching sharply, warned: "If you did try to go I would follow you and hold you back by main strength."

Nell laughed musically. Aunt Hattie, heaving a sigh of relief, sat down. The girl suddenly springing up, fairly flashed across the room, snapped out the key, swung the door open and then shut behind her, and locking it from the outside, called through the keyhole: "I will throw the key into the street and they can find it just as readily as they could if you had thrown it." And hurrying down stairs with all speed, without stopping to tell anyone that a very desperate old lady was at that moment fairly tearing the furniture to pieces in an effort to get out of a locked room, she passed into the street and flung the key into a heap of rubbish. "They can take the door off," she declared to herself richeously; "besides, she wanted to stay in there until evening, anyhow." But all thought of the episode passed instantly, for looking down the long vista of the street, she saw the six-horse team waiting in readiness to start. She gathered her skirts and ran.

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As she came up to the stage, the driver, a gigantic fellow, with a diminutive cigarette in his mouth, touched his broad hat and asked: "Air you the lady that wuz goin' up?"

"Are you Mister Jackson?" She asked, recalling Annunciata's recommendation.

"Naw, jist Jackson. Lady, the stage time is past. Ef ye want to go I'll wait a half a day fur ye. But ye see they bounce me ef I fail to start on time."

Without further parley she got up, he cracked his whip and "yehoed" to his team.

For some four or five miles, Jackson kept his eyes duly fastened on the way ahead and his mouth duly shut, as a stage driver should do when he has but one passenger and that a lady. But at length he turned round to ask: "I reckon ye're goin' to see whut come o' yer paw's ole manager? He wuz a almighty good man, Burns wuz."

"Will we find him, do you think?" she asked fearfully, for the image of that dying man beside the trail haunted her.

"Yes," he answered gravely; "yes, somewheres."

"Have you heard anything about him from the other drivers?"

He turned so that he faced her squarely and his eyes were big with the question of his words: "Miss, you hadn't ort to ast me that. Hender-

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son, that come down last night, the feller ye rode with all the way, he told me the hull story about ye a throwin' 'im the canteen an' yer coat. I reckon you seed as much o' him as Henderson did."

"That — that," she declared with the image of that terrible figure blinding her vision and choking her voice, "that wasn't him. I would have known him."

"Lady, d'ye mean ye would a stopped ef ye had knowed 'im?"

The suffering in her face did not escape him. He bowed gravely, and without further argument strove to cheer her. "Miss March, it's four days comin' down, but it's six a goin' back, because it's up hill all the way until we hit the plains. Ye needn't say it. I know now. I'm under orders like the rest. But orders hain't orders to me without they're fair. We're goin' to smash the scheduly a goin' back." And turning once more to his horses he shook out his lines, swung his long whip until it writhed like a striking snake, while his voice rose in sharply alarming cries: "Yehoee, boys! Yeho!" Then when the team was plunging into a gallop, he reached down into the boot, and picking up a carbine, fired a shot above their ears. The six horses fairly flattened themselves to the ground, running like mad. The old stage, bounding from wheel to wheel, seemed

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every minute on the point of going to pieces. Jackson turned round to ask: "Can you stand it, Miss?" and found her merely gazing far ahead. To his question she nodded.

"Then we'll make it," he observed gratefully; "we'll make it if the heat ain't killed 'im." And returning to his lines and his whip, he gave all attention to his flying horses and the road.

It was one of the afternoon before he checked to a trot. Then turning back to Nell, he advised: "There's a lot o' dirty work agin Burns on this trail. I dunno whut all may be at the bottom uv it. But whutever it is, I am a goin' to try an' find out more up hyar at Station One. We'll be thar in ten minutes. You'd better lay down on the floor so the station tender cain't see ye. He'll think I'm alone, an' then if he knows anything mebbe he'll open up."

She nodded, and crouching low upon the seat, waited until the stage stopped and Jackson's voice called in greeting, then she crouched down on the floor.

Presently above the noise of rattling chains, Jackson's voice rose: "Whut's the last word o' Burns?"

"Nothin', 'ceptin' whut Henderson brought," came a strange voice in reply.

"Dy'e reckon they'll jist let 'im perish on the trail?"

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The other laughed immoderately. "Not now, I reckon. Naw, sir, I figger that ef the buzzards didn't git 'im, a good hoss an' mebbe a buckboard is a takin' 'im to where Warwick will."

"Whut's yer idee fur that?"

"Wull, all I know is that he wuz to be helt back ontil a certain thing had happened. After that, he wuz to be helt back t'other way."

"Whut happened?"

"How do I know?"

"Wull, why don't ye?"

"Wull, I dunno whut it wuz. But I know this much. Whutever the big doin's wuz it's to come off on the night o' the Fourth. This yere's the first. The feller wuz to be got in alive all right. An' I reckon they's goin' to be a sort o' side show of 'im fur the celebration up at Station Ten."

"Who tole ye that?"

"Wull, that feller Gunther tole me. He didn't know nothin' shore, fur Warwick keeps 'is doin's to 'issef till they air done. But this yere Gunther, 'e allowed as it would be suthin' like them old corn-fed farmers do when they take a notion to git red o' the rats. Ye have heered o' that, hain't ye. They ketch a great big ole feller an' soak 'is hair an' hide 'ith coal oil. Then they tech a match to 'im. They say when a rat gits a stompedin' around that away a burnin' up, that it's powerful discouragin' to the other rats an' they

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dig out. O' course, whutever it is, Warwick figgers on hit'll do the business; he's a aimin' that the fellers whut encourages settlers has got to go."

"The night o' the Fourth, did ye say?"

"Yep, that's the time accordin' to Gunther that they air a goin' to set 'im afire."

The conversation ended then, for Jackson swung to his seat and started his team, terror-stricken at the station tender's speech. Nell climbed to the seat, and thence out upon the box beside the driver. "What did he mean?" she demanded; "what did he mean?"

"Somethin' turrible," Jackson answered grimly, as he got his horses into a gallop; "somethin' turrible, an' I'm afeared we won't git back in time."

She strove to answer the question for herself, but what could be the answer? Warwick, for all he might hate Burns, had been only too well satisfied that the cowboy should never come back. She thought over the whole situation in its minutest details. Warwick, himself, had said: "The very foundations of the business I have spent a dozen years in building tremble at the step of that man in the plains." And she realized anew the truth of that conception of her lover as she thought of the iron purpose which had driven him to his desperate pilgrimage. In the face of that the notion that Warwick would invite him back was pre-

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posterous. Then dimly, like the recalling of a vague dream, she remembered Mrs. Burns. But there was no possible answer out of Mrs. Burns, as the basis of a theory which also contemplated Warwick. Once more she seemed to see the widow sitting behind Martin in the ambulance in front of Warwick's door, while Warwick, staring at her with all the grim ferocity of the master of a pirate ship, was demanding angrily: "Mrs. Burns?" And once more, as on that long-ago morning, she seemed to hear the woman's terrible arraignment of him.

Suddenly when she was congratulating herself that there could be no foundation for the station tender's dark surmises, the corollary of that explanation smote like a knife thrust. For, if they had no motive in bringing him alive to Station Ten, then just as they had begun, they would leave him to die beside the trail. She turned to Jackson and begged piteously: "Drive! Please drive with all your might."

At that he once more got out his carbine and once more he fired above the ears of his horses. Then, having all he could do to keep the way, for it was down hill, he thrust the weapon into her hands with the order: "Be ready to shoot agin above 'em when I tell ye." And they swept down that slope at a pace which boded destruction. It came in the swale below, for when they were

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crossing that, the huge body of the vehicle swinging empty upon its straps, flew high at the bump, and coming down out of balance, careened clear over on one side. Jackson managed to bring his team to a stop just as the whole of the running gear turned over. As it fell he caught the girl and swung her safely out of the way. Then, while she saw a heart-breaking delay in the accident, he pulled out his knife and cutting the straps at each end caught the running gear and lifted until it fell back in place upon the ground. Nothing remained of a stage now but the wheels, the axles, coupling and the driver's seat; but these were intact and apparently pleased him, for he said: "That's whut I hev allus wanted to drive, Miss. Dy'e see they hain't nothin' to bother now? I reckon ef God A'mighty an' the wind o' the hosses don't fail us, we air a goin' to make time that no one ever heered of 'fore this trip." And he swung her back to the seat and bounding up himself, proceeded to show her what six good horses could do when their driver having no care behind him could let them do it. They swept on with the speed and racket of a hurricane.

They reached Station Two at midnight, where they halted for a three-hour rest. At six o'clock they came to Station Three and at noon they drew up at Four. At night they came to Station Five, and there Masongale, the cousin of the

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sheriff, divining Nell's quest, spoke sadly: "I'm afeared, leetle gal, ye had best turn back. I warned 'im but 'e would go on. I heered last night as how he rid into Station Ten and the trap they set is closin' on 'im now."

At that she felt herself collapsing. Worn with the worry and the exhaustion of her ride, she felt that now failure must be inevitable.

"Miss," the iron Jackson kindly recommended; "we will have to stop hyar an' rest a bit an' eat."

They ate; but for her there could be no rest. The driver, seeing it, put his horses in and once more they were hurtling along upon the rough and hidden trail. "Two hunderd an' forty mile yit," he muttered grimly. "Two hunderd an' forty mile yit." And then glancing down at the drawn face half hidden beside him in the night, he would redouble his efforts for a swifter pace. And as each new effort brought a wilder burst of speed she would shout to him above the tremendous clatter of the wheels: "That's better. Make them keep it up."

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CHAPTER XXIV

BURNS, just as Masongale told Nell, did reach Station Ten late in the afternoon of July 1st. Riding up to Mexican Pete's place, which was surrounded by saddled horses, he dismounted. His plan was clear enough to him. He intended getting something to eat and drink, after which he would press on to the *Circle Heart* headquarters. There was no need of planning after that; battles follow courses of their own. But just as he was hobbling toward the door of the hurdy-gurdy, his roving eye glimpsed the familiar outlines of old Martin's saddle resting on the back of a roan horse. The sight of these was like that of old friends, and friendship was tugging at his heart.

He stopped, and looking more closely round, counted saddles and horses from the *Double K*, up to a dozen. Beside these, there were settlers' mounts, Jed Markell's surviving mule, old man Hamilton's gray mare and other steeds he knew. Not a *Circle Heart* mount was there. On a sudden it seemed to him that this was symbolic of a return to all his friends and friendships. His heart softened instantly for all the past and in

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the excess of his gratitude he could forget and forgive. Wherefore he tried to halloo a cheery greeting but succeeded only in raising a croaking yell. However, his cry brought a great many heads to the door. He advanced to the foot of the three-stepped stoop, holding out his hand. But no one came down to clasp it. He tried to smile; but no face smiled back, though the light of recognition was in every eye. Even old Martin stared down in contempt. Unable to believe their behavior, he announced: "I'm John Burns. Don't no one know me?"

At that, the crowd parted to let an elderly woman through. It was Mrs. Burns, but he did not know her, and as she came down the steps with outstretched arms, he filled with unreasoning dislike. "Yes, I know you," she said, gayly.

"The devil ye do!" he answered in a growl, for he thought her some inmate of the hurdy-gurdy. "I don't know ye, an' I don't want to know ye."

At this, the faces above contorted angrily, and voices hoarse with disgust shouted: "Shame." The woman stumbled forward, flung her arms around his neck and began crying hysterically, "I am your mother. Won't you own me now?"

"My mother?" he questioned confusedly. "My mother? Woman, are ye a liar or a lunatic? My mother died, I reckon, before I wuz

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old enough to remember her. Whut's yer game with me?"

Instead of answering him, she looked back to those above and called to them: "You gentlemen have been very kind to me and all. I thank you for it. He will not try to desert me again, I am sure. Please go away and leave us alone together."

Instantly the men came crowding down. As they passed, each gave the woman a look or a word of sympathy, but to him they gave only curses and contempt. Old Martin was the last to go by, and as he was passing, Burns, unable to give up, caught his sleeve and pleaded: "Ole feller, ain't you goin'. to stop fur even a word with me?"

"Nary a word," Martin answered in grudging tones.

"Why, whut's come over everone? Whut have I done?"

The answer he got was a cold stare.

"Boys," he cried chokingly; "have ye all gone back on me? Hain't I a friend left in the plains no more?"

"A man's best friend is 'is mother," Martin quoted pompously, as he rode away; "an' a man that don't live up to that, cain't keep other friends, because 'e don't deserve no otherns."

Burns turned with inordinate curiosity to the

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woman and stared upon her searchingly. As far as his childhood recollections ran they went back to no woman recognized as mother; his boyish longings had never pictured to him any woman like the one who waited half fearfully before him; in all his life no face of the type of hers had ever had appeal for him. Yet here she stood, proclaimed not only by her own words but by the stern anger of his own friends as well. Conviction at last forced itself upon him; but with conviction came revolt, for there was a subtle something about her that filled him with disgust.

Back and forth on the hoof-beaten earth before the stoop he paced, silently striving to adjust himself to this new and disconcerting element hurled unexpectedly into his life as a meteor shot from space upon the earth. He halted to examine her again. It was as plain as the daylight round her, that never in all his life could his heart go out to her. But Duty, the only master he had ever recognized; Duty, the very fiber of his being, took him in hand at last, and Duty spoke his words: "I — I had other plans. But now I reckon I'll take keer o' ye an' let 'em go."

Yet there was no pleasure to him in the declaration or the purpose. This, like his adherence to the cause of settlers' rights, like his fealty to the interests of the *Double K*, like his love for Nell March on the day he had offered to leave the ranch

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because he thought she was in love with Hamilton, like his refusal to leave the jail when Warwick offered freedom, this, like them all would end, as each had ended, in something bitterer than all that yet had passed. But he bowed in submission and repeated: "I'll take keer o' ye an' let 'em go."

Next morning he hitched up a team to a wagon in Mexican Pete's corral. The outfit was one brought from Warwick, Mrs. Burns told him. She had purchased it along with Jed Markell's school land in order that he might have work equipment and a home for her; and she explained with a cunning smile that she had sold his cattle in order to get the money. She had hinted, too, as she had hinted to Nell, that she yet doubted his willingness to take care of her. All this nagging and suspicious meanness on her part was in his mind when he drove round to the stoop for her. Wherefore, when she patted Mexican Pete on the shoulder and vociferated great regard for him, Burns, staring from the wagon seat, broke forth angrily: "Ye're my mother an' I'm goin' to take keer o' ye. But part o' keerin' fur ye is to see that ye act like a woman an' a decent one. Drop that an' git in."

She came, half crying, and declaring that like his father, he was hatefully unkind.

There was no conversation on the way to the

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Markell house, neither was there any during all that afternoon in the work of righting the premises. But as Burns made ready after supper to go outside, where he designed to sleep, he made an effort to break the preposterous estrangement. "Ye must furgimme seemin' hard to ye. I couldn't bear a thinkin' that my mother wuz less'n sensible an' decent. I won't let others think ye less, but don't ye see they would?" She sneered contemptuously: "You miserable, prudish booby. This is some of the idiotic nonsense that that fool girl of March's, who threw you down, put into your head. You great booby."

He left her swiftly.

At breakfast she smiled sneeringly at him, and when the meal was ended, she observed: "I'm going to make a man of you or drive you off."

There was no argument or appeal with which he might penetrate the barriers of her hatefulness. Sick with his own futility and his disgust of her, he left the house and walked along the foot of the mighty wall beneath which the valley lay enclosed. Half a mile from the cabin he came to a mass of white rim rock, which having fallen long ago from the height above, now lay half bedded in the narrow plain and overgrown with wild Chinas. In some way the rock invited him. He parted the bushes and scrambled up to a shaded seat. He had been sitting there, perhaps, a

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couple of hours, gazing back with unseeing eyes at the home which was only bitterness, when on a sudden there leaped into the field of his vision a sight that brought him swiftly to his feet. Warwick was dismounting from his saddle before the door of the house. He got quickly up, and leaping to the ground, ran with all his might, clutching his pistol handle as he went and forgetting all his duties in the sight of his old enemy. As he sped forward he saw Mrs. Burns come out of the house and it seemed that she attempted to embrace Warwick. Apparently the cattle king rejected her advance, for she stopped abruptly, with hands dropped to her sides. Burns coursed on, and coming within twenty yards saw that the pair only regarded him in curiosity. He stopped, and swinging his pistol, cried: "I have ye." He had no intention of shooting; Warwick was to die in the fire of an ant bed on the plain above.

But at that, Mrs. Burns flung herself between and her voice rose in fury: "Back, you booby! Back!"

From the screen of her body Warwick emerged coolly and in cool tones declared: "Burns, you are as headlong as ever. But I trust before you bring death to a man who risked it at the behest of your mother, that you hear. Your mother and myself procured your pardon. I did not want you here. I did not care for her either. But Nell

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March pleaded for you and I gave my aid. But back from the flotsam of your reckless life, this mother love that has saved you from the gallows, in the inscrutable ways of Providence, has come. What do you purpose to do with it? To tear it from you and set it beneath your feet, as you have set all other things? I came here at her request to help her if I could to plan something for the welfare of you both. But you are a wise man, all sufficient to adjudge the right and wrong of every case, whether it be your concern or not. You are, it happens, this time really concerned; therefore, display your wisdom in your own omniscient fashion."

The cowboy fairly writhed under his conflicting torment. Then giving way to the madness of his soul, he cried: "By the Eternal God, I'd promise all the years o' hell fur jist that minute with ye that my hands could be untied. Burn me, good hell, forever; ye are rest an' sleep to this."

At that Warwick smiled grimly and moved abruptly to his horse. Mounting in ill-concealed haste, he spurred off and only when well out of pistol shot did he draw rein, then he called back: "Remember each detail of the things we planned for him."

Whereat the woman, with the half-frightened, half-furious look of a cat overtaken by a dog, cried in answer: "I will remember."

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Whatever that might have meant, even his helpless fury could not conceal the fact that some great change had wrought itself in her the moment Warwick disappeared behind the broken walls which jutted to the canyon of the river. For on that she came up to Burns and timidly putting her hands on his shoulders, pleaded with him: "Please be kind and patient. All the trouble will be ended soon."

Hoping at last for an understanding with her, he tried to talk. He forced his repugnance back and believing in her now, looked his trust as he spoke it. But on that she seemed frightened, and pleading that she was tired, asked permission to go into the house and remain there undisturbed. He spent the afternoon wandering about in the valley. When he returned to the cabin at night time she called to him that she was resting and only wished to rest.

Next morning when he went into the house, for he had again slept outside, she was not up. No, there was nothing he could do for her; after a little while, perhaps by nine or ten o'clock, she would rise and dress. "It's the Fourth o' July," he tried to be merry. "I wish ye were well an' we'd celebrate."

But she made no answer to this and after waiting a moment he went on out into the sunshine.

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About ten o'clock he looked up from where he sat beside the door and saw a buckboard emerging from the gateway of the amphitheatre. On nearing, it showed to be the *Double K* buckboard, drawn by a team of the *Double K* horses and driven by old Martin. Burns got up expectantly. Perhaps, after all, this simple friend was coming back to him.

But Martin never so much as nodded. Getting out of the buckboard, he stood, holding the lines and calling, " Are you ready, Mrs. Burns? "

John turned round wonderingly just in time to see the lady clad in all of that finery in which she first appeared at the ranch. She was coming out, and as she came she was smiling at Martin in approval. But on catching sight of Burns, she stopped and then, coming close to him, whispered: " You don't mind my going with old Martin, do you? I promised him three weeks ago." There was no reason for any objection any clearer than there was explanation for the proposed trip. So he merely asked: " Where are ye goin'? "

" I am going to the *Double K,*" she answered with averted eyes, " to see Colonel March and try to win him back to you."

" I'll go with ye," he asseverated, for thought of the Colonel filled him with ten thousand longings.

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"No," she answered with swift decision, "you must not. Right now he is too bitter against you. I can do better alone."

He assented, and at that, without even a nod of farewell, she hurried to the buckboard and got in. Martin, awkward squire, blushing even under his lifetime tan, wedged himself far over against his own side of the seat and whipped away. But when they were fairly started, Mrs. Burns turned back to call: "Do not go away. I may not get back until late to-night, but I may get back any time before."

And he bowed as he promised, "All right; I'll wait fur ye."

The loneliness of that day oppressed him strangely. Somehow, life seemed to have drifted far away, and so far that it never could come back. His prospect as he saw it was the blasted desolation of his past whereon he had been broken to a helpless thing. It remained now for him, hampered as he was, merely to drag through his allotted days.

He ate no dinner, but at last on the approach of evening he built a fire in the kitchen stove and with the rude skill of his camp cookery prepared the finest meal he could devise. He cared little for the food himself, but he thought it might delight the woman — not even in his moment of thought for her did she seem mother — when she

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should return. Then, when there was nothing more to do except to keep the victuals warm, he drew his chair over to the doorway and sat down, supperless, to wait for her. Night fell at last and with it real hunger came. Yet he waited. And as the trifling sacrifice went on, his heart, as do the hearts of all who think and do the little kindnesses, warmed to her.

Presently when it was quite dark he heard the footfalls of a horse approaching. Certain that it was Mrs. Burns, coming evidently on horseback from the *Double K*, he got up and, wondering at his childish delight in the surprising supper he had kept, he went out to lead her in. But barely had he stepped outside when a strangely raucous, strangely sing-song voice accosted: "Is John Burns here? Is John Burns here?"

"I'm here," Burns answered briefly.

Immediately a dark figure appeared a yard from the doorway, holding out something which in the gloom looked like a club, and the same wild voice commanded: "Take it. I got its mate." John reached out his hand and caught the butt plate of a Winchester.

"They air comin'. They air comin'. They air comin'. Bar the door," the voice went on.

"Who's comin'?"

"All that ye ever done a thing fur. Ever' one. Ever' one."

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Burns struck a match and seeing that his visitor was Frank Marmon, the mad settler, he demanded, "Why are they comin'?"

"Because," came the lunatic's unexpectedly shrewd answer, "it's the irony o' life. Ye're like me. I come to these plains to make a home fur them I loved. Whut did I do? Instid o' that, I buried my wife an' leetle blue-eyed baby in the ashes o' my house. Their tombstone is the chimbly that I built fur them to live by. Ha-ah!" And after this cry, which was eerie, without woe or mirth, he continued: "An' you come fightin' death at ever' step to prove yer manhood by takin' man's vengeance on his foes. But to-night, when the dance is done at Mexican Pete's, they air comin' to hang ye to the gable o' yer house. Ha-Ah. Ha-Ah. Ah-Ha."

"Marmon, ye're crazy. Why do they aim to hang me?"

"That lyin' woman that claims to be yer mother come ridin' up to Station Ten at noon in Martin's buckboard. She wuz cryin', fur she said ye driv' her off. The fellers o' the plains is chivalrous 'bout wimmin" — and he paused to chuckle in a devil's irony — "so they air comin' to hang ye an' vindercate the manhood o' the plains."

The words of the madman echoed and re-echoed through Burns' mind convincingly. He knew

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their truth in their consistent climax to his mocked career. In silence he led Marmon back to the table, where the carefully prepared supper waited only to mock. Without a light, he found the chairs, seated his visitor, and then sat down himself, to think and think against the madness that was conquering his brain.

After a long while a slight noise from outside startled him. He was rising to investigate, when Marmon whispered: "My hoss. I'll go."

But as the foot of the settler sounded on the threshold rock, a shot rang out upon the out-of-doors. Burns caught up the rifle while he struck a match. In the wavering light he saw Marmon sinking slowly down in the doorway, dying; but gripping a long black pistol from the muzzle of which his fluttering left hand seemed to sweep a torrent of roaring fire. Then the pistol hammer clucked on an empty chamber, the match expired and Marmon fell.

Burns searched until he found the candle. With it, lighted in his hand, he went to the body of the madman, now limp in death. A splotch of blood on the front of his frayed old shirt showed that the bullet had struck near his heart. John carried the clay to his bed and laid it down.

As he stood looking on the dead face — it was grim and terrible no more now — he thought he heard a groan outside. Having extinguished his

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light, he took the unused six-shooter from the belted form below and slipped out into the darkness. Presently something heavy and clinging to his foot tripped him. He stooped and discovered it was the body of another man; another dead man, apparently. He dragged it into the house and closed the door. Returning with his candle, he stared down into the face of Gunther.

The prostrate one opened his eyes, stared grimly, and then held up his hand. "I got nothin' agin' you now, Burns. I'm a goin' soon, I think. Gimme some water. I'm burnin' up."

Burns brought him a quart cup filled from the bucket. The wounded man drained it to the last drop and called for more. John supplied him until he was satisfied. "Now," said Gunther, shudderingly, "if ye'll jis put somethin' under my head, so the chokin' don't git so high, I'll be goin' easy soon."

The cowboy carried him to his bed and put him down beside the body of Marmon.

Then returning to his chair, he seated himself to await the events of the next few hours. He had made up his mind how he would meet them. There was nothing to be counted on but the guns at his command. Marmon had buried his wife and baby in the ashes of his home; but he would bury his honor in a fight that should know neither friend nor enemy, neither mercy nor faltering,

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until death, his worthy friend, his only friend, should come.

The little clock Mrs. Burns had brought struck eleven. Gunther called for water. Burns got up and ministered to him, even putting a wet pack on the man's abdomen, where Marmon's fatal fire had struck. The wounded man muttered something and lapsed into unconsciousness.

The cowboy went back to his chair and seating himself, counted the cartridges in the belts he had stripped from the dead and the dying. There were ninety odd, beside those in the rifles Marmon had brought. He smiled grimly, for he was wondering how many of the ninety and odd would be left when the fight was done. A full hour it took him then to clean and reload the four pistols. Until these had come he had had no weapon at all. He wondered what chance had brought Marmon. For he realized that not only would the mob have come upon him without warning, but that it would also have caught him weaponless.

The clock tinkled away twelve times. This would be his last midnight. His mind did not dwell on that, however, for he wondered about Gunther, and got up to see if he would survive the turn. Yes, the *Circle Heart* henchman was yet breathing, and would perhaps breathe until morning.

The hours reel slowly off when the spool of life

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seems running low. The thoughts of a man at such a time are few and trivial, trivial because most of the things to be thought about are things that shortly will be known no more. As the night waned away, and all other ideas but those of the coming conflict left him, the thought of Nell, which hitherto had hidden itself away, stole in upon him. With the thought came the first light of the morning slanting down through the crack between the logs above his head; and with both, a grief, poignant as death itself, wrenching his heart.

But at that moment through the dawn stillness he heard the soft pad pad of many horses approaching; then the creak of many saddles and the jingling of spurs. He turned to the table, and putting three of the six-shooters in his waist band, took the fourth in his hand and started for the door.

A voice strangely familiar commanded him to open. He recalled after a moment that this was Martin's voice. His answer to the order was a pistol ball through the planking. He heard them running away and surmised that no one had been hurt.

Presently smoke began curling up at one corner of the floor. He carried what water there was in the bucket and doused it down on the hot boards. Then he climbed the ladder leading to

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the loft, for in the gable of the loft was a sort of window, and he would shoot from that.

But just as he gained this porthole he heard the hoof thunder of a running horse. Immediately above all the noises rose the stentorian voice of Masongale: "Hands off, ye dam hellions! Hands off!"

To this a perfect roar of jeers went up. "We'll hang you with 'im," some one yelled. "Yes, hang Masongale!" the crowd bellowed; "hang Masongale, that's ready to take a scoundrel's part."

Then on the door below, Burns heard a heavy bump. Divining the reason, he sprang down the ladder and opening, saw the broad back of the sheriff inclined slightly forward; waving in front of each of his huge shoulders was a cocked pistol; and all the time this speech was rumbling from him: "Gents, hit's my duty as sheriff to pervent ructions, an' by the powers o' hell, I am going to pervent this'n ef hit costs me the lives of a dozen o' ye, to say nothin' o' my own."

Burns jerked him back inside and slammed the door just as a dozen bullets splintered through above their heads.

From the corner where he was lying, Gunther roused and called weakly: "Burns, fur the love o' Gawd, carry me out an' let me talk to 'em. I got somethin' on my mind."

The sheriff ran to the door and opening it to

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a perfect hail of balls, thrust himself forward and standing like a block of iron, waited an instant before saying: "In course, you fellers is a goin' on to do what you air a going to do. An' Burns an' me we air a going on to do what we air a goin' to do. No need a sayin' whut that is. But Gunther is a dyin' in here, an' he says he's got suthin' to say to you dang fools afore 'e goes. Ef they's bat sense in ye, ye'll lissen to 'im."

Even before the speech ended, Warwick, at the head of his own men, spurring through the crowd, pressed clear up to the door. The eyes of the cattle king glowed somberly and his voice shook with the excess of his vehemence as he cried: "Gunther! Where does Gunther come in? The turncoat's come to help this scoundrel Burns. Hang Gunther! Hang him!"

On this the mob began bellowing, "Hang Gunther! Hang Gunther!" Then some one deftly threw a lariat over Masongale's head and shoulders, and jerking the noose, pinioned his arms. The roar that went up then was like that from a hundred savage beasts at feeding time. Warwick, rising in his stirrups, called in trumpet tones: "Rush the door! Rush the door!"

Then just as their brute madness was obeying his brute mastery, there came a flailing thunder from the rear. Out of a wall of whirling dust six harnessed horses plunged like mad. Behind them,

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with their faces showing and disappearing in the cloud, sat Nell March and Jackson on the seat of his ruined stage. He held his stampede straight on the crowd; she gripped the carbine in her hands. And the crowd, caught for the instant by that terrifying spectacle, waited. Jackson "yehoed" in a voice of thunder, while his whip darted in circles of lightning. Like a storm he scourged and terrified. But the girl, like the heart of the cyclone, was calm, and yet beautiful and terrible in her calmness; her eyes were wide, yet unseeing; her lips were parted, but they did not move; the color in her face was whiteness that appalled.

On came that flying mass of manes and hoofs until not ten yards separated it from the rearmost of the mob. Then Jackson, instead of jerking in his lines, shook them out, and turning to the girl, bellowed, "Give 'em the gun."

Half rising from her perilous seat, Nell lifted her weapon and fired above the heads of the leaders. They flattened forward and then reared at the backs of footmen. She fired again and they plunged and plunged. And the swing and the wheel teams, whirling on, swept down and drove like heavy cavalry. Then when the rout was real rout, Jackson set his brake and stopped his leaders at the very door. Just at that moment, too, Nell, with the carbine in her hands, rose to her full height, a figure of beauty and of power. But her

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voice chilled and cut like edged steel: "Stand back, you beasts! Stand back! You shall not have him."

For a minute there was stillness except for the breath whistle of the horses. Then from the crowd, where he was hiding himself, Swithen called gruffly: "He's our meat an' we air a goin' to have 'im."

The crowd, emboldened at this, began a desultory yet increasing yell: "He's our meat an' we air a goin' to have 'im."

She stood poised now as if to spring, her eyes flashed threateningly and her voice rose in hoarse fury: "Brutes! You brutes!" And then, realizing her helplessness in ineffective epithet, she became pleading and piteous: "Oh, for the sake of decency, for my sake, if you will, wait. Please wait. All this is Warwick's work. Warwick has played you off against yourselves again."

And in the sudden hush that followed this marvelous change in her, the voice of Gunther, weak yet strangely carrying, came from the interior of the house: "She's right! She's right! Let me tell how an' why."

At that, old man Hamilton, whose influence among the settlers was very great, and among all, for that matter, pushed forward, cut the rope that had pinioned Masongale's arms, and leading him to the door, crowded through with him. But,

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turning on the threshold, he called back: "We will bring Gunther out an' hear what he has to say. I believe in Miss March. This mob come for a woman's sake. It kin wait fur the same reason."

Warwick spurred into the now vacant space near the doorway and shouted, "Hold that fool."

The act, however, was fatal to his purpose. For the mob, already hesitating under two leaders, simply waited for the leader who should prevail. And waiting, it saw that his need was desperate, and one fellow recommended, "Hold 'im yer-se'f."

Then, just as cries of "Hang Warwick" rose, Masongale, Burns and old man Hamilton brought Gunther to the door. The face of the *Circle Heart* rider was ashy gray and drawn with pain. They held him in a cradle of their arms.

The cattle king dismounted, and approaching his dying follower, looked sternly into his glazing eyes as he commanded: "Stay with 'em, Gunt. Stay with 'em. I'll kill a hundred horses but I'll have the surgeon from Mobeetie Post in time. I'll never let you die."

But a mastery mightier than that of Warwick had touched into obedience impulses long hidden and forgotten in the life of Gunther. He began gaspingly: "Marmon killed me. That wuz right; hit wuz me that burnt 'is shack. I done

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that 'cause Warwick give me a hundred dollars to git rid o' Marmon. Same way in this here deal on Burns. Warwick give Jack Swithen a shack in his paster an' the privelege o' skinnin' the winter loss an' the wolf kill on the halves and seven dollars in money, pervided Jack would fix up some sort uv a rookus to git red o' Hamilton an' Burns. Swithen, he killed Hamilton. You know all about the trial. An' yet they's things about the trial ye never heered an' no one heered but me. Hit wuz durin' court week that Warwick see Miss Nellie March fur the first time in a good while. He takened a notion he wanted her. But havin' a cunnin' that never overlooks a thing, he knowed that she belonged to Burns. The night after they passed the sentence, Warwick he tricked the judge an' sheriff off an' then he tried to git the prizner to go. He figgered that if Burns would jist slink off, Miss Nellie would figger 'im a coward an' furgit him. Then, when Burns wouldn't leave, he had me unlock all the doors, a hopin' she would try to git to him. She did. Warwick come in on 'em, for he wanted to know jist how they stood. He found that out, an' then he set hisse'f to tear 'em to pieces, savin' the girl o' course for hisse'f when the time o' his opportunity sh'd come. He knowed in reason that killin' Burns would never do at all. She'd never furgit that nor furgive it.

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Burns had to be ruined as a man. Sabe?" He choked and seemed dying, then he continued more weakly: "Back in the old states, Warwick had a woman that I reckon wuz onct his wife. At least he had a dotter by 'er. This woman had been a play actor woman onct an' so he figgered out fur her to come pertendin' she wuz Burns' mother. Afore she got started, Miss Nellie March met Warwick on the day she wuz a fixin' up the writin' feller's grave. Warwick, he see a hundred moves ahead, an' made 'is talk, pertendin' that fur her sake he'd git Burns out o' jail. He never aimed to do nothin' o' the kind.

"He claimed he went to the capital, but he didn't go. He had fellers in Mobeetie put it up to Judge Williams that all this wuz jist a dodge to git Burns back an' have 'im hung fur killin' Joe Berdan. Then when Burns' friends got up their petitions, Warwick, he had his dotter go an' git in as a housemaid in the Governor's mansion. She got that paper from McGann an' mailed hit straight to Burns. All this here wuz planned fur jist this: Warwick, he never aimed fur Burns to come back to the plains. He figgered that if Burns would stay away, Miss Nellie March would figger him a coward. This Warwick knows as much o' wimmin' as 'e does o' men, an' knows whut kin be done an' jist whut cain't. He

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'lowed that Burns after seein' that petition an' havin' read the letter what Bedison had forged, would never keer to come back.

" But finely when he see that the girl was not a goin' to give in easy, even when she thought Burns had turned tail, he see it the day he brought her that receipt fur Burns' stage fare from Fort Worth, he got to seein' nothin' at all but blood. When Burns he started back acrost the plains afoot, Warwick he struck to kill. Agin they wuz other things that nagged him. This here play actor woman, Mrs. Burns, she loved 'im, too, an' frum the very start she was almighty jealous o' Miss Nellie March. She got plumb desperate, this woman did, an' hung right onto the *Double K* as long as Miss Nellie stayed there. Warwick, he daren't even git off his horse when he went down to see the girl. He allers set in the saddle whilst he stayed.

" Well, then he see that Mrs. Burns was like to make him jist as much trouble an' mebbe more'n John. An' so he figgers out as soon as Miss Nellie had gone away, to have Burns come here to the plains. Ye know how he come.

" Day afore yisterday, Warwick rode down here to this very shack an' promised this yere woman that if she would go to Pete's, the Fourth, an' say that John had driv' her off, that pervidin' a mob come an' hung Burns jist as its come an' tried,

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he'd let 'er live with him up at the *Circle Hearts*. He knowed it would be easy as fallin' off a log to git red o' her ef she done that. Ye know she done it. But last night whilst others wuz dancin' she got skeered an' come an' tolt me all about it. I never said nothin', but when I got the chanst I sneaked off. I'd swore to git Burns, fur he cracked me with 'is six-shooter jist the other day down on the trail. But hit was Marmon come to the door, an' Marmon he killed me. I been a dyin' hours an' hours. But whilst 'twas goin' on an' Burns a comin' to bring me water an' to ease me all he could, I been a figgerin' an' I know why Chaves he turned. Chaves, bein' like me, had fooled away 'is life a doin' Warwick's dirty work an' jist like him I never knowed it till it wuz too late. But still Chaves tried to undo somethin' an' that's whut I would like to do." And as he spoke that last wish, a subtle change came upon his wolfish old face and it was wolfish no more. His eyes brightened and then set. He gasped and he was dead.

They bore his body back into the cabin while the crowd retold his revelation in murmurs. Old man Hamilton in advance of Burns and Masongale, returned to the door. The blue eyes of the old settler gleamed fiercely as he cried: "Where is that Swithen?"

The mob, which even in the presence of death

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and mob folly convicted of its folly, was yet a mob, roared: "Where is Swithen?"

Swithen was gone. The foiled fury bent on a victim, called for it: "Hang Warwick then." But at that moment someone chancing to look back toward the gateway to the river, saw Swithen skulking along the base of the giant walls, three hundred yards away. The one who had seen, yelped like a hound at the show of the quarry; the mobbers, like hounds for the moment, knew the cry. Their mounting was like that of Arabs for onset. They whipped their horses and sprang up from running strides. They rode Swithen down as hunters ride down a wolf. They threw ropes around him and they dragged him back. They roared with laughter as he fought and snarled. Their glee was devilish when he whined at last and begged. They hanged him to the gable and shot his dangling body to shreds. Warwick, with the shrewdness of his need pressing him, led them, a very fiend.

But barely had the last shot rang and thudded, when a roar of irony went up. "Ho, hang Warwick. Ho, hang the head of it. He's the one."

This second threat rang as no second choice. The cattle king heeding it at last, backed to the wall, and drawing his pistols dared them with all the menace of his tremendous being: "Come on, you dirty scum. I've played the game with the

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limit off through all my life. I play it that way now. Come on! Come on!" And such was the terrific threat of his mien that each of that pressing mob believed that he alone was singled out for death the instant that he moved. Warwick, who single-handed could bend the plains to his purposes separately, could in this moment hold them all in sum. His daring and his recklessness out-totaled theirs.

But the halted mob was yet relentless, and needing only a leader, cried: "Lead us, John Burns, and we'll hang 'im."

For an instant, Burns, who had been standing at the side of Nell, supporting her in that orgy of madness and of blood, wavered. Then when at last the moment of his cherished vengeance was his and he knew it, something like a weight fell from his very soul. On the instant he saw that his battle with Warwick had been won. The dreams of his heart that had been dearer to him a thousand times than all his lust for revenge, these had come true; his faith in the all-conquering right had been tried and proved; his honor and his manhood had been vindicated and the girl beside him who he loved more than all had saved him like the very hand of God. Wherefore, the greatness of the man suddenly lifted up within him, and he cried: "He's beaten now. He's lost. He's helpless. He can harm no more."

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And again as he looked into the faces before him and saw those who a little while before had yelled for his own destruction, a mighty charity for the weaknesses of his fellows rose within him and in the old way that a hundred knew, he waved them back and said: "Let it all go. Let it all go." He struggled for words with which to convince, and then brought out: "Men, ye have knowed me fur one that tried to do whut wuz right. I never aimed at nothin' less, fur I never could bear the idee o' bein' less'n a man. A true man don't take the advantage o' his weaker fellows in order to gain his ends. I couldn't lead ye in a hangin', if I wanted to. Ye know it."

The cheer that rose for this was like the cheer of ten thousand. The mighty walls of the amphitheatre echoed it and re-echoed it until the very earth seemed wakened to do honor to this man. Iron-visaged cowboys, who had been killers and burners, fought with the settlers to come close to him and take his hand. The passions that had raged within them like great fires, like fires had reduced their natures for the moment to the last analysis. And in the last analysis, men from the first until the last bow in homage to whoever is a proven man. To these who had forgotten or had purposely thrown away those principles, the practice of which alone distinguishes man from brute, to these who realized themselves as noth-

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ing more than gifted beasts, this man was the embodiment of lost ideals, a hero in the world of fact. Now, in the crowd there were many settlers who for a year had endured the suspense and terror which comes to men of family when arson and murder wait only a good chance. There were among the cowboys many who had done violence and therefore feared ambushing vengeance. All had come to believe that these conditions were inevitable and that many years and lives must be blotted out before a better change. But on a sudden they saw themselves delivered from this bondage of violence by a leader whose faith and courage had surpassed even the terrible power of Warwick. And a kind of madness seized upon them; tears flowed, laughter and sobs intermingled, enemies clasped hands. And they lifted Burns upon their shoulders and bore him round and round, while they shouted in mad delight at the miracle he had wrought.

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CHAPTER XXV

WITH the help of Jackson, John and Nell managed to slip away from the demonstration at the Markell cabin. Late that afternoon, they reached the old home headquarters of the *Double K.*

The Colonel, being as ever a man of great imagination, welcomed them with many tears and high-sounding phrases. When he had heard the whole story he got to his feet, and with the generous air that would always be his, he shed tears and smiles alternately and wound up by hugging both of them. Then, as was to be expected, he appropriated his usual laurel. "I feel prouder than ever of my stand on the settler question. Not only has it been vindicated, but it has established beyond the shadow of quibble the faith which I imposed in you, John, and the wisdom a daughter of mine should also possess." Then, as if he did not know what else to say, or as if he feared what he said might provoke a discussion, he bowed very gravely to them and left the room.

She led him out doors, and to the trail and up the trail past the corrals to the steep slope and the winding way to the rim rocks. There, just

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as on the morning, ages ago it seemed now, when she had brought him once before, she stared first into the valley and then northward to the plains. And as before, she declared: "Oh, it's just the same. Nothing has been changed. Nothing, and I'm so glad. Here was the beginning of the trouble that brought you all your troubles. Forgive me now."

"That's all over, Nell," he said gravely. "Let it all go. Hit never would ha' made no difference, only I wuz such a stubborn fool. If it hadn't a been fur whut ye said that mornin', I'd a gone an' killed Hamilton an' then I'd a been as guilty as they claimed. It's lucky that ye had a fancy fur him. That wuz all that saved him an' saved me." And then as his face was clouding with the doubt which he could not put away, she drew closer to him and declared: "John, I loved you when we were youngsters together. I loved you when you told me of your love that afternoon down in the front room, the afternoon that Aunt Hattie and father and I came back from Missouri to the ranch. I didn't tell you. I don't know why. I couldn't, that was all. When I saw you ride down the river trail that morning to fight Hamilton, I was afraid for you and sent Shorty to stop it. I thought you would understand, for it was all so clear to me. I waited while you were eating breakfast that morning just to see if you did under-

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stand. For don't you know a woman can never say her love or tell it until after it is really given? And when you didn't seem to see, it vexed me. I brought you up here thinking you would understand and then I grew angry. I couldn't help it. It's the way of a woman to be helpless in her love. And when you still gave me my foolish way, I thought I hated you, when all the time I was wishing you to force my love from me. Don't you see?"

He did see. "Ye child," he whispered, rapt in the wonder of his conviction; "Oh, ye child, that never kin grow up! The soul o' ye might live in the world a thousand years an' yet 'twould allus be as bright an' innercent as the day it come from God." And he drew her to him and kissed her forehead.

THE END

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